DOCUMENT RESUME

ED 407 701 EA 028 286

TITLE	Collection of "Clearinghouse Notes," 1995-96.
INSTITUTION	Education Commission of the States, Denver, Colo.
PUB DATE	Jan 97
NOTE	202p.
AVAILABLE FROM	ECS Distribution Center, 707 17th Street, Suite 2700, Denver, CO 80202-3427 (IS-97-1; $25 plus $4.25 shipping and handling; quantity discounts).
PUB TYPE	Collected Works - General (020) -- Information Analyses (070)
EDRS PRICE	MF01/PC09 Plus Postage.
DESCRIPTORS	Accountability; Bilingual Education; Charter Schools; Discipline Policy; Educational Assessment; Educational Finance; Educational Technology; Elementary Secondary Education; Enrollment; Governance; Graduation Requirements; High Risk Students; Parent Participation; School Choice; *School Law; School Schedules; Special Education; *State Action; *State Legislation; *State Regulation; State School District Relationship; *State Standards; Student Evaluation; Teacher Qualifications; Textbook Selection

ABSTRACT

During the 1995-96 year, the Education Commission of the States (ECS) Clearinghouse issued almost three dozen "Clearinghouse Notes" on a wide array of education issues. The notes, which are usually one to two pages long, show at a glance state legislation passed or pending on specific education issues. This packet contains the complete set of published notes for 1995-96. The notes cover the following topics: accountability, assessment, alternative schools, at-risk funding programs, attendance, bilingual education, charter schools, discipline, dual enrollment, exit exams, finance, flexibility, governance, incentives/sanctions, open enrollment and school choice, parent involvement, school districts, secondary education, teachers, school uniforms, scheduling, special education, technology, and textbooks. (LMI)

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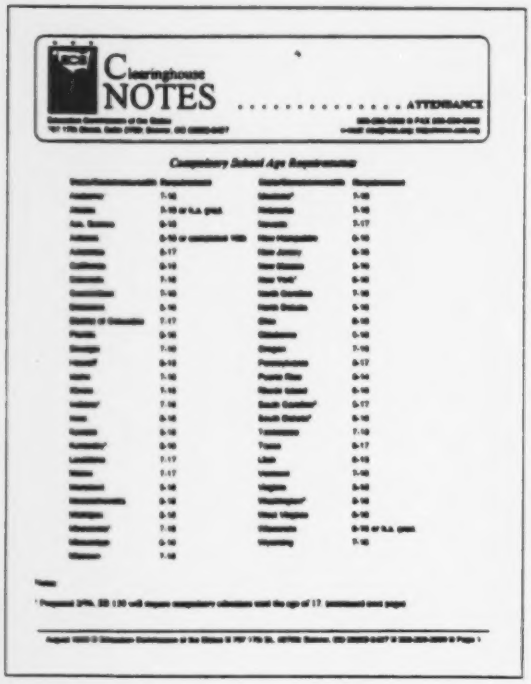
ED 407 701

1995-96 COLLECTION OF *CLEARINGHOUSE NOTES*


Clearinghouse NOTES ..... ATTENDANCE

Compulsory School Age Requirements

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Over the last year, the ECS Clearinghouse issued close to three dozen *Clearinghouse Notes* on a wide array of education issues. Typically one to two pages, the *Notes* show at-a-glance state legislation passed or pending on specific issues. This packet contains the complete set for 1995-1996.

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ACADEMIC BANKRUPTCY

The implementation of academic bankruptcy laws whereby a school district is sanctioned for poor student perfomrance, takes on a variety of meanings as one moves from state to state. For example, not all of the states call for the unseating of local boards or the state takeover of a school district. Most of the regulations have several levels of warning for school districts. The first warning often includes some form of targeted assistance from the state agency to the school district. In most cases this includes extra financial aid. School districts usually have several years to free themselves from state sanction. The debate quite often focuses on the takeover provisions and fails to point out the extra state resources that will be brought in to correct the problems. Many of the states with academic bankruptcy sanctions have or are working on incentive programs. The following states have intervention provisions either mandated by the legislature or by state board action.

State	citation	Notes
Alabama	ALA.CODE 16-6B-3 Assistance Programs	State board's final step in assistance program (school level) is to require the state superintendent to intervene and to appoint a person to run the school district day-to-day operation. Indicators considered include drop-out rates, attendance, special education enrollment and other data.
Arkansas	Act 89; Competency Based Education Act of 1983 (eff. 2/84)	Process has several stages. Any school district or school in which less than 85% of students achieve specified levels of mastery of basic skills must participate in school improvement program administered by state department. If progress is insufficient, district could eventually lose accreditation and, in later stage, could be forced to consolidate.
Georgia	Quality Basic Education Act, Part 12, §§ 20-2-282 and 20-2-283 (eff. 7/86)	Several stages: warning, technical assistance upon request, review, increased state aid. State board is authorized to file civil action in superior court of the county in which school district located to determine if any board member or administrator has delayed implementation process. The court would have power to appoint a trustee to make sure the court order carried out, and school officials could be removed from office and replaced.
Illinois	105 ILCS 5/2-3.25f State Interventions	If a school spends 4 years on Academic Watch List, state board can cut off funding or (if district on Watch List) can remove board members and appoint independent authority to manage district. State board may also direct the state superintendent to direct the reassignment of pupils and administrative staff and/or may "nonrecognize" the district or school. If a district is nonrecognized in its entirety, it shall automatically be dissolved on the following July 1 and its territory realigned with another district.

State	citation	Notes
Iowa	IOWA CODE ANN. §256.11 Educational Standards	As part of the accreditation process, when district has not corrected identified deficiencies , state board determines whether district should remain accredited. If it should not, district develops plan for correction, but if that also fails, accreditation committee can require temporary oversight authority, operational authority, or both. State board has the power to merge territory of school district with one or more contiguous districts at end of year. Until merger complete, school district pays tuition for its students to attend other schools. Or, state board may place district under receivership for remainder of year.
Kentucky	SB 202, KY. REV. STAT. Chapter 158, Educationally Deficient School Districts (eff. 7/84); rewritten with the Education Reform Act	Any school with decline of 5% or more in proportion of successful students in any single two-year period is declared a "school in crisis." Then: certified staff placed on probation; principal must notify parents that students have a right to transfer; if decline in student enrollment, personnel may be reduced or transferred; within six months and every six months thereafter until no longer in crisis, Kentucky Distinguished Educator(s) assigned make recommendations regarding retention, dismissal or transfer of staff. If entire district "in crisis" the superintendent and board are subject to dismissal and the district placed under management of distinguished educators.
Maryland	22:17 Md. R. 13A.01.04.07 (eff. 8/95)	Note: Allows state board to close school(s), but not district(s).
Massachusetts	§ 69 1J-K (1993)	After developing a remedial plan, a school has 24 months to improve. If there is insufficient improvement, the principal is removed and a new principal may dismiss any teachers or other employees for good cause.
Mississippi	31-17-6 (11) (eff. 7/94)	If accreditation withdrawn, state board may: declare state of emergency and escrow all state funds; override any decision of the local board concerning budget; assign an interim "conservator" to administer the management and operation through the superintendent; grant transfers to students so they may attend accredited schools; and, if deficiencies are related to small size of district (and too few resources), may abolish district and assign territory to another district or districts.
Missouri	§ 160.538 (eff. 7/96)	District board may suspend indefinite contracts and issue probationary contracts to all certificated staff in a school declared academically deficient (following due process). Shall not issue contracts to superintendent or principal for longer than one year.
New Jersey	NJ 1987, Ch. 398 and 399	State officials can take complete control of a district for up to 5 years. School board members and top administrators can be dismissed.
New Mexico	Public School Code, New Mexico Statutes Annotated 1978, §22-2-2 (W), enacted 1969	Until such time as requirements of law, standards or regulations have been met and compliance is assured, the powers of the local school board shall be suspended by the state board of education.
New York	Legislative Findings and Declaration of L.1995, c.145 (eff. 1995; part expires 1998, part expires 7-19-2000)	Allowed state to intervene in Roosevelt union free school district.

State	citation	Notes
North Carolina	§115C-64.4	Low performing units are schools or districts in which student performance measures are below others in the state and where dropout rates higher than the state average. If state board reviews progress of low performing unit and finds it has not made satisfactory progress, board shall appoint a caretaker administrator or board or both. May assign any of the duties of superintendent to the caretaker administrator or it may terminate the contract of the superintendent. May assign any of the local board powers and duties to the caretaker board. General Assembly considers the future governance.
Ohio	SB 140, 1989, §3302.01-3302.06, eff. 90-91	No mention is made of unseating either the board or superintendent, although they may be placed under monitoring, with the appointment of a state monitor to act on their behalf.
Oklahoma	§1210.54 (1989, amended 1992 and 1993)	Schools identified as "high challenge schools" on the basis of Oklahoma Educational Indicators Program (student average score in lowest quartile of Oklahoma students and average falls below national average test score for 3 consecutive years). State board interventions may include but not be limited to: guidance and assistance to school and school district; special funding; reassignment of school personnel; transfer of students; operation of school by personnel employed by State Department; mandatory annexation of all or part of the local district; placing operation of the school with an institution of higher education as a developmental research school.
South Carolina	Education Improvement Act of 1984, Subdivision E, Sub-part 4 (eff. 1-85)	Stages range from advisements and warnings to the assignment of monitors and masters to help run the school district. Possible that superintendent's office declared vacant, with a replacement to be named.
Tennessee	49-1-601 Performance Goals for school districts; 49-1-602 Probation of local school system or school	Commissioner of education is authorized to recommend to state board that both local board and superintendent be removed from office after school or system has been on probation for two consecutive years. . Schools or districts are placed on probation if they fail to meet the rules and regulations of the state board or the performance standards (based on the Sanders' Model).
Texas	Initial action: HB 72, Article V (school districts), Part A (accreditation) (eff. 84-85); 35.121Accreditation Sanctions, 1993	If a district does not satisfy accreditation criteria, commissioner of education can take any or all of many actions, some of which are to oversee the operations of the district; appoint a management team to direct the operations in areas of unacceptable performance; or, after district warned for one year or more, can appoint a board of managers composed of residents to exercise powers and duties of board; if warned for a period of two years or more, can annex the district to one or more adjoining districts. Another set of similar sanction options pertain to any campus that is below standards set in 35.063(b); sanctions might include appointing a board of managers who can suspend powers of board and appoint campus principal.
West Virginia	SB 114, 1988, §18-2E-5 Performance Based Accreditation (eff. 7/89)	Whenever a school on probationary or seriously impaired status fails to improve within one year, any student attending that school may transfer once to the nearest fully-accredited school, subject to approval of the receiving school and at the expense of the school on probationary status.

Compiled by the ECS Information Clearinghouse
October 1996

Clearinghouse NOTES . . . . . ASSESSMENT

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States Conducting Student Competency Testing for High School Graduation (Exit Exams)

STANDARD DIPLOMA: Students must pass a test with a minimum score before they're allowed to graduate.

Alabama
Arkansas (effective 96-97)
Arizona (essential skills test score recorded on transcript)
Florida
Georgia
Hawaii
Indiana (unless principal certifies student has met "Core 40" requirements)
Louisiana
Maryland
Massachusetts (must pass proficiencies, but not a single exit exam)
Mississippi
Nevada
New Jersey
New Mexico (to graduate with a diploma)
New York
North Carolina
Ohio
South Carolina
Tennessee
Texas
Virginia

ENDORSED DIPLOMAS: Students must not only pass an exit test but score at a designated level (higher than the minimum required for regular diploma).

Michigan (optional test for students wanting this level of diploma)
New York (more rigorous exam than for regular diploma)
Tennessee

HONORS DIPLOMAS: Students must pass a more rigorous test.

New York
Ohio
Tennessee

OTHER VARIATIONS: Minnesota and Pennsylvania are phasing in graduation proficiencies. Minnesota students graduating in the year 2000 must pass tests in reading, math and writing to meet the requirements of the Minnesota Graduation Rule. Pennsylvania students must achieve 52 state academic performance outcomes plus local outcomes (locally developed assessments).

Sources: Council of Chief State School Officers, North Central Regional Education Laboratory, Education Commission of the States

Clearinghouse NOTES . . . . . At- Risk Funding Programs

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Sources: *Public School Finance Programs of the United States and Canada 1993-94*, American Education Finance Association, with updates from the Education Commission of the States Information Clearinghouse.

State	At-Risk Funding Program
Alabama	None
Alaska	None
Arizona	The state does not provide funding for compensatory education. Discretionary competitive grants have been used to fund programs and services for at-risk youth in a small number of local school districts.
Arkansas	Eligible students — those in grades K-3 who are at the 25th percentile or less on standardized tests — are provided with a summer session. The funding is equally divided by the number eligible in the state and each district receives an equal amount per pupil. *State and Local Shares:* The state bears all responsibility. *Extent of Participation:* All districts
California	Compensatory education programs are funded through the General Fund and through federal funds. Federal funds provide resources through the Education Consolidation and Improvement Act (ECIA) Chapter 1, and federal refugee and immigrant programs. EIA provides funds to school districts with high concentrations of children who are poor, educationally disadvantaged, or have limited proficiency in English. These funds are used to (1) supplement educational services, particularly in basic skills, for children who have difficulty in reading, language development, or mathematics, and (2) provide bilingual education programs (EIA-LEP) for children who are classified as limited English-proficient (LEP) *State Funding:* Funding for the EIA program is distributed according to two formulas. The primary formula, which is used by SDE to allocate approximately 91% of the EIA funds, involves a complex multi-step process that (1) determines statewide and district share of "gross need" and (2) allocates available resources based (a) on maintaining at least 85% of each district's prior-year funding level and (b) using any remaining funds to address "unmet needs." This primary EIA funding formula is based on the sum of the number of children ages 5-17 who are from families receiving Aid to Families with Dependent Children (AFDC) and the number of pupils with limited English proficiency. Adjustments for enrollment growth are based on actual growth in these populations. *State Share:* Districts are not required to contribute to compensatory education programs, nor do all districts receive compensatory education aid.

State	At-Risk Funding Program
Colorado	The Public School Finance Act of 1994 stipulates that in addition to the basic formula funding, districts receive at least 11% more per pupil for at-risk pupils (students who are eligible for the federal free lunch program). For districts with less than the statewide average incidence of at-risk pupils, each at-risk pupil is funded at 11% more than a regular student. For districts with more than the statewide average incidence of at-risk pupils, the pupils up to the statewide average are funded at 11% more, and pupils above the statewide average are funded at 11% plus 0.3 percentage points for each percentage point that the district's at-risk concentration is above the statewide average. In response to the criticism that some eligible high school pupils may not participate in the free lunch program, the new act defines at-risk students in budget years after 1994-95 as the percentage of pupils eligible for the free lunch program in grades 1 through 8, multiplied by the district's enrollment.
Connecticut	No state aid program since 1991-92.
Delaware	A collection of programs providing services beyond the basic unit structure through the basic support program.
Florida	None
Georgia	There are two compensatory education programs operating in Georgia public schools — the special instructional assistance program and the remedial education program. The special instructional assistance program is limited to pupils in grades K-5 who are identified as having developmental lags that result in difficulty performing to expectations of children their own age. The remedial education program is limited to children who are significantly below their grade placement in achievement. In grades 2-5 and in grade 9, eligibility is based o standardized test scores of the 25th percentile or below in mathematics or reading. Students in grades 10 and above are eligible if their scores on the state required Basic Skills Test in mathematics, reading or writing are below the scores required for graduation from high school (Ga. Code §20-2-153-, 20-2-154). *State and Local Shares:* Both the special instruction assistance and remedial education programs are funded as part of the QBE act and do not require additional local contributions. However, districts funding these programs beyond the QBE level are responsible for the excess costs. *Extent of Participation:* 182 districts.
Hawaii	Compensatory Education (EDN 108) provides specialized services to educationally disadvantaged students, immigrant children with limited or non-English proficiency, alienated youth, and other target groups with educational problems.
Idaho	None
Illinois	**State Adult Education** Participating local education agencies that offer adult education programs toward an elementary equivalency, high school diploma, or equivalency certificate for eligible students are reimbursed per student-unit of instruction. Eligible adults are 16 years or older who (a) have not completed the secondary level and are not attending school and (b) have completed the secondary level and who can verify a need for job skills improvement and/or employability skills. **Public Assistance Adult Education Program** This program is parallel to the state adult education program, but is reserved for students who are also on public assistance. Expenditures in this program are eligible for federal reimbursement. **K-6 Reading Improvement Program** The program provides grants to school districts to help meet the district's costs of employing personnel and purchasing materials to serve at-risk or disadvantaged children with reading problems in the grades K-6. Eligibility for participation is specified by the federal census count of low-income students.

State	At-Risk Funding Program
Indiana	**K-12 At Risk** An at-risk index is computed for each school corporation using 1980 decennial census data (1990 data were not available in the formats necessary for computation) as follows: Add: 1. the percentage of families in the school corporation with children under 18 years of age that have a family income below the poverty level, multiplied by 0.315; 2. the percentage of non-institutionalized children in the school corporation whose parents do not live together within the household, multiplied by 0.5; 3. the percentage of the population in the school corporation that is at least 19 years of age and has not graduated from high school, multiplied by 0.185. Multiply this sum by 0.069 for 1995 to arrive at the index number. Beginning in 1994, in an effort to concentrate at-risk dollars where there are significant numbers of such children, only those schools with an index of .2 or more are eligible for at-risk funds. In 1994, this limited the number of schools receiving such funds to 68 or 23% of the 294 school corporations in the state. *State and Local Shares*: Local school corporations are responsible for any costs of the program over the amount received from the state. *Extent of Participation:* 68 school corporations. **Preschool Special Education** School corporations are required to offer special education to all preschool handicapped children. *State and Local Shares:* School corporations must impose a property tax rate of $.01. The state then distributes enough dollars to provide $2,750 for each preschool handicapped child. The formula is a foundation level program with a $.01 qualifier. *Extent of Participation:* 294 school corporations.
Iowa	None
Kansas	Included as weighting in the SFA.

State	At-Risk Funding Program
Kentucky	**Extended School Services** The Extended School Services (ESS) program replaced the Essential Skills Remediation program in 1991-92. The ESS provides services to students who need additional instruction beyond the scope of the regular classroom instructional period. Additional services are provided outside the regular school day, including before and after school sessions. The program instructors may provide direct instruction, tutoring, counseling, and study skills reinforcement. All local school districts receive ESS funds with part of the allocation based on average daily attendance and part based on the level of need as determined by the district average test scores, dropout rates, and the number of at-risk students. More than 90,000 students participate in ESS during the regular school term and more than 40,000 are served during the summer program. *State and Local Shares:* The state determines the eligibility of districts based upon the test scores and observed performance of students. Funds may only be expended on salaries for teachers and instructional assistants. Teachers generate current operating expense funds. No local share required. Districts may choose to provide additional funds to support ESS. *Extent of Participation:* 176 school districts. **Out of District Program** This program reimburses local districts for additional services provided to school-age children who are committed to state institutions or day treatment centers located within their district, for the treatment of mental illness, emotional disturbance, mental retardation, or behavior disorders. *State and Local Shares:* These students generate SEEK funds in the same manner as all other students. These funds are for costs exceeding amounts generated through the SEEK program due to a longer school years, smaller pupil/teacher ratios, and the intensive educational programs. While it varies considerably, all local school districts contribute local funds to this program. *Extent of Participation:* 23 school districts.
Louisiana	Included in the basic support formula is a weighted category for remediation. This funding is provided to assist school districts in providing extra instructional time to students who fail parts of the state administered testing program. Students with below passing scores are provided remediation in the subject areas. *State and Local Shares:* The state share is 67% of the cost on the average as calculated by the basic support formula. The local share is 33% of the cost on the average as calculated by the basic support formula. *Extent of Participation:* All 66 local school districts participate in this component of the basic support formula.
Maine	None
Maryland	The statewide total for Compensatory Education (Education Article, § 5-202, 8-101 - 8-107) is determined by multiplying the number of Chapter 1 eligibles by $792 (25% of the basic aid level of $3,167). All compensatory funds must be used for instructional programs. Only a portion of the funds are dedicated for disadvantage pupils. The dedicated portion is equal to $70 per Chapter 1 eligible pupil in the prior fiscal year plus 25% of any increase in compensatory aid over 1985 fiscal year level. This provision reflects the fact that prior to 1985 the program was a flat grant per Chapter 1 eligible child and not an amount inversely related to wealth of the LEA. This provision also reflects the fact that poorer LEAs with either a large number of Title I eligibles or a large percentage of all students as Title I eligible might want to use the funds to improve the instructional program for all students. *State and Local Shares:* The state to amount budgeted. The local share is costs in excess of state and federal aid. *Extent of Participation:* 24 LEAs (100%).

State	At-Risk Funding Program
Massachusetts	Students at risk are included in two of the 11 enrollment categories used in the foundation formula.
Michigan	**At-Risk Program** Funds are provided to districts that have a large number of at-risk pupils in grades K-12 (Article 3, § 31a). *State and Local Shares:* The state's share is determined by adding 11.5% (a 1.115 per pupil weighting) to the foundation allowance of those school districts that are eligible. Eligibility is determined by the number of pupils in the district who meet the income eligibility criteria for free lunch and is limited to districts in which the 1993-94 base revenue per pupil was less than $6,500. The funds must be used to provide instructional programs and direct non-instructional services including medical and counseling services for at-risk pupils. The target population for these services consists of pupils meeting at least two of the "at-risk" criteria enumerated in the legislation as well as pupils who fail to secure a satisfactory score on statewide assessment tests. Total state payments cannot exceed the appropriation level. The local district assumes the remaining costs. *Extent of Participation:* 490 local districts. **Early Childhood Compensatory Education** School districts operating comprehensive compensatory education programs for educationally disadvantaged four-year olds are eligible to receive funds. *State and Local Shares:* The number of eligible four-year-old children in a district is calculated by taking one-half of the percentage of K-8 pupils in the district eligible for free lunch and multiplying this number by the average kindergarten enrollment in the prior two years. This number, in turn, is multiplied by $3,000 and the funds are allocated among districts in decreasing order of concentration of eligible children until the funds are exhausted. The district is expected to use the state funds in conjunction with whatever federal funds may be available under Title I and/or Head Start; the district then assumes the remaining costs.
Minnesota	Compensatory education funding is included as a component of the general education revenue formula.
Mississippi	None
Missouri	Compensatory education is under the special education umbrella. The state allocates special education money to the local districts through a flat grant for each approved class and for certain positions that deal directly with special education students. Teacher aides and ancillary personnel working in these programs generated lesser amounts of state money. Remedial reading programs have been funded separate programs since 1991-92.
Montana	None
Nebraska	None
Nevada	None
New Hampshire	None

State	At-Risk Funding Program
New Jersey	Aid for at-risk pupils provides additional funds to districts to help them reduce obstacles to academic success for students whose socioeconomic backgrounds may present special challenges. In 1991-92, aid for at-risk pupils replaced compensatory education, which was provided to districts based on the number of students who failed the basic skills test. Aid for at-risk pupils is based on family income, as determined by eligibility for free meals or free milk. The purpose of aid for at-risk pupils is to improve disadvantaged students' opportunities for academic success by providing additional funds to school districts with low income students. The funds were intended to help districts to meet the needs of their at-risk students through preventive programs, remedial programs or other measures that would enhance the education of students. *State Share:* Aid for at-risk pupils was calculated similarly to aid for special education except that at-risk students were weighted by grade category to account for the varying excess cost in the grade categories. At-risk aid was determined by multiplying the number of students eligible for free meals or free milk in each grade category by the appropriate weight and the foundation amount for categorical aid. *Extent of Participation:* 581 districts in 1993-94.
New Mexico	The state does not provide separate formula funding for compensatory education. In 1993-94, the state did provide limited funding as *Special Projects* that included family development training, alternative education for at-risk students, substance abuse prevention, school mediation and gang intervention. Since 1987, local school boards have been mandated to develop remediation programs to provide special instructional assistance to students in grades 1-8 who fail to master essential competencies as established by the State Board of Education. These programs may include, but are not limited to, tutoring or summer programs. The cost of summer and after-school remediation programs offered in grades 9-12 may be borne by parents or guardians except where parents are determined to be indigent. A reading assessment instrument designated by the state serves to determine the need for remedial programs.
New York	In an effort to eliminate any suggestion of reward for poor student performance or attendance, various aid programs for pupils with compensatory education needs were replaced by operating aid set-asides: (1) for school districts with attendance ratios in the bottom 10% of all districts statewide; (2) for the 25% of districts with the greatest percent of students falling below the statewide reference point on certain pupil evaluation program tests in the prior school year; and (3) for the reduction of kindergarten through grade three class sizes in the state's big five city school districts (cities with a population greater than 125,000 inhabitants). The set-asides impose planning and reporting requirements on the affected districts, and are directly proportional to the degree of the problem; hence, improved attendance or performance provides districts with increasing flexibility.

State	At-Risk Funding Program
North Carolina	In addition to the state initiatives listed below, state aid to schools includes federal grants for several compensatory categories. **Remediation Support/Summer School** The state provides a combined appropriation of summer school and remediation support for local districts allocated at a base of $20,000 with the remaining distributed equally to each district by eligible ADM. Eligible ADM for summer school is determined to be the average of scores on the 1989-90, 90-91, 91-92 California Achievement Test (CAT) for children in grades 3, 6, and 8 who fall below the 25th percentile. Transportation funds for summer school are allotted based on approved operating budgets for July/August and the following June summer session. The remediation funds allotment formula states that 60% of the available funds are allotted based on the most recent tenth grade Competency Test failures; the remaining 40% distributed based on the numbers of students who scored below the 35th percentile on prior year 8th grade CAT. There is no required local match. *Extent of Participation:* 120 districts. **Dropout Prevention/Students at Risk** Each district earns one Instructional Support position per eligible school with remaining funds distributed equally based on grades 7-12 ADM. *Extent of Participation:* 120 districts. **Willie M. Class** Following a state lawsuit, this category was created to address students younger than 18 years old with special needs beyond the scope of traditional exceptional child programming in the functioning categories dealing with violent or assaultive behavior. Districts are funded based on requests for each classified Willie M. child funded in 1989-90. The formula is adjusted for add-ons for special education children — state aid, federal funds, and ADM. *Extent of Participation:* All districts are eligible to apply.
North Dakota	The state does not fund or require a compensatory education program. Most school districts, however, participate in the federally funded Chapter 1 program. Certain special education programs — particularly the pre-kindergarten efforts — target populations requiring compensatory assistance. Similarly, the federally funded Head Start program targets populations for whom compensatory education is indicted. Finally, still another federally funded program, focused on the dependents of migrant workers, functions in several communities each summer.

State	At-Risk Funding Program
Ohio	**Disadvantaged Pupil Impact Aid** This program is incorporated in the basic program component of the school foundation program and is intended to provide adequate education for students in school districts impacted by high concentrations of poverty. *State and Local Shares:* The current formula provides allocations that range from $103 per pupil for districts with at least 50 children from households receiving Aid to Dependent Children (ADC) or at least 5% but less than 10%, to $1,092 per pupil for districts with 20% or more coming from ADC households. The state assumes all costs. At least 50% of the funds received must be spent on any of 19 programs for at-risk students. There is no local share. *Extent of Participation:* 493 school districts. **Disadvantaged Pupil Program Fund** The purpose of the fund is to improve disadvantaged students' academic and cultural status. Eligibility for district participation is specified in the Ohio Revised Code 3317.024(F). *State and Local Shares:* School districts design, submit and implement their approved programs pursuant to state board of education standards (3301-77-01 through 3301-76-06). Funding is based on the ADC count. There is no local share. *Extent of Participation:* 496 school districts. **Urban Demonstration Projects** The purpose of the projects is to enable selected urban school districts to plan, develop, implement, evaluate and conduct research pertinent to urban education programs and reduce the dropout rate. A further purpose is to have the Urban Demonstration Projects serve as models of exemplary urban education organization and practices. *State and Local Shares:* Legislative authorization specifies the nature of school district participation. The program is funded by the state. There is no local share. *Extent of Participation:* 14 school districts. **Educational Aides for Special Education** Amended Sub. H.B. 152 appropriated funding for special education classroom aides required by rules for the education of handicapped children. *State and Local Shares:* Current appropriations allow for a reimbursement of $928.75 for each aide in a state funded multi-handicapped unit. Districts are responsible for costs not covered by state reimbursement. *Extent of Participation:* 228 school districts plus 82 county boards for mental retardation and developmental disabilities.

State	At-Risk Funding Program
Oklahoma	**Alternative Education Grants** Alternative Education is a competitive grant program for school districts interested in providing alternative education programs for students at risk of not completing their high school education. *State and Local Shares:* State appropriations made by the legislature. Local districts assume any cost differences. *Extent of Participation:* 16 districts received Alternative Education Grants. **High Challenge Grants** High Challenge Grants are for schools who tested in the lowest quarter of Oklahoma students and who tested below the national average score for three or more consecutive years. *State and Local Shares:* State appropriations made by the legislature. Local districts assume any cost differences. *Extent of Participation:* 15 districts received High Challenge Grants.
Oregon	Less than $1 million allocated to Portland School District 1J in 1993-94.
Pennsylvania	None
Rhode Island	None
South Carolina	**Basic Skills-Compensatory, Remedial, and Reading Recovery** Provisions in Act 135 of 1993 supersede the law and regulations governing compensatory and remedial programs. For fiscal year 1993-94, funds were allocated to school districts based on the same percentage of funds received for compensatory and remedial programs in 1992-93. Beginning in 1994-95, basic skills-compensatory and remedial instruction components will be replaced by the Early Childhood Development component of Act 135 for four-year olds and grades K-3 and the Academic Assistance component for grades 4-12. Funding for K-3 will be based upon the number of students eligible for the federal free and reduced lunch program at a weight of .26 of the base student cost, subject to available funds. Funding for grades 4-12 will be based equally on (1) the district's percentage of K-3 free and reduced multiplied by the 4-12 average daily membership and (2) the district's four-year average for the number of students not meeting standard on the state's testing program for the years 1990-93, subject to available funds. Under Act 135, there will be no identifiable remedial or compensatory students. All allowable costs will consist of general expenditures in grades K-3 or 4-12.
South Dakota	Compensatory education is not funded or required. The federally funded Chapter 1 program is awarded by county by number of students and each school district applies for allocation. A school district may choose not to participate. Federal funds allocated to a non-participating district are redistributed to other districts for special projects.
Tennessee	None
Texas	The number of educationally disadvantaged students is determined by averaging the best six months' enrollment in the national school lunch program of free or reduced-price lunches for the preceding school year. The weighting for these students is .20. *State and Local Shares:* Funded through Tier I additional entitlements. Of the amount appropriated for compensatory education, the commissioner is authorized or directed to annually set aside specific amounts to finance various programs. Included for the 1993-94 school year are programs for parenting students, guidance counselor, communities in school, unanticipated impact of residential placement facilities and investment capital fund. In addition, the cost of administering TAAS and NAPT are also deducted from the compensatory education allocation. Each district will be charged a share of the total amount withheld based on the wealth of the district. *Extent of Participation:* All districts.

State	At-Risk Funding Program
Utah	None
Vermont	There is no state compensatory program. However, 1990-91 saw the quick birth and death of a compensatory education program. As noted previously, a categorical student count weighting factor of 1.25 for students in poverty is a part of the foundation formula. Coupled to the appropriations bill in that year was a proviso that the funds generated by this additional weighting unit (covering 9.5% of Vermont students) be specifically allocated for compensatory purposes. As this move did not represent "new" money but only increased restrictions and bureaucracy on previously allocated funds, the effect was the opposite of that intended. Facing near universal opposition, the bill was repealed in the following session. In 1993-94, the poverty multiplier, giving such children an additional weight of .25 in the general state aid formula, showed 13.2 percent of the students in poverty.
Virginia	The Standards of Quality require local school divisions to provide remedial programs in grades K-12 to reduce the number of students who score in the bottom national quartile on tests that currently form the Virginia State Assessment Program and for those who fail the state's 6th grade literacy tests. The state distributes funds based on nine instructional positions per 1,000 students who scored in the bottom national quartile. In addition, local school divisions received funds based on the number of students participating in special remedial programs in summer school sessions. *State and Local Shares:* The cost for nine instructional positions per 1,000 students scoring in the bottom national quartile is shared between the state and local school divisions according to a locality's composite index. Also, the state and local shares for the summer school sessions are determined based on a locality's composite index. *Extent of Participation:* All 137 school divisions participate in the school year remedial programs; 124 local school divisions operated special remedial programs during summer school sessions.
Washington State	The Learning Assistance Program (LAP) provides funding to a school district based upon the percentage of the district's students scoring in the bottom quartile on the state's 4th grade and 8th grade basic skills test. For the K-6 component of the program, the most recent five year weighted average percentage of the district's students scoring in the bottom quartile of the state's 4th grade basic skills test is multiplied by the district's current FTE enrollment in grades K-6 to determine the maximum number of LAP students in a district. This figure is lowered by the number of students aged 6-11 living in the district who are eligible for funding as "specific learning disabled" students. The same process is used for the grade 7-9 component of the program, except that the district's average performance on the state's 8th grade basic skills test is multiplied by the district's current FTE enrollment in grades 7-9, with the numbers of "specific learning disabled" students aged 12 through 14 living in the district being subtracted from this total. *State and Local Shares:* The state is required to fully fund a remedial assistance program. In 1993-94, the LAP program allocation covered 73.6% of net LAP program expenditures. Local districts are responsible for the difference between the formula-generated allocation and actual expenditures for state-funded compensatory education programs. *Extent of Participation:* 284 of 296 districts.
West Virginia	Federally funded compensatory education programs operate under the Elementary and Secondary School Improvement Amendments (ESSIA). Approximately 30,000 public and private school students throughout the state receive these services from approximately 550 teachers and 500 teacher aids.

State	At-Risk Funding Program
Wisconsin	**Preschool to Grade 5 Grant Program** Grants supporting programs designed to improve the education of preschool through fifth grade pupils enrolled in districts with high concentrations of economically disadvantaged and low achieving pupils. Districts receiving grants must ensure that each elementary school complies with certain requirements regarding class size, annual testing in basic skills, 4-year-old kindergarten, identification of pupils needing remedial assistance, parental involvement, in-service training and staff evaluation (Wis.. Statute 115.45). *State and Local Shares:* State grants are awarded on a competitive basis to a limited number of districts (based on high numbers of dropouts and low-income pupils) for a three-year period with renewal subject to state approval. Funding is supplemental in nature and cannot supplant or replace existing funds. No local contribution is required. *Extent of Participation:* 39 elementary schools within 4 districts. **Aid to Milwaukee Public Schools** (Desegregation Settlement Aid) This categorical aid program fulfills an agreement made by the governor and the state superintendent with the Milwaukee School Board, as part of a 1987 desegregation lawsuit settlement, to provide state funds for compensatory education programs to address the academic deficiencies of disadvantaged pupils. *State and Local Shares:* The state provides a set amount to Milwaukee to be used for specific purposes. No local contributions are required. *Extent of Participation:* 39 elementary schools within four districts.
Wyoming	School districts apply for the funds based upon the percentage of district-wide students at or below the 20th percentile as measured by the district's standardized test, but who are not identified as learning disabled students. These students may be identified as "at-risk" or simply need some remediation in subject matter areas such as reading or math. *State and Local Shares:* Local districts may contribute to the program from their general fund, but it is not required. *Extent of Participation:* 46 districts.

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Clearinghouse NOTES . . . . . ATTENDANCE

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Compulsory School Age Requirements

State/Commonwealth	Requirement	State/Commonwealth	Requirement
Alabama[1]	7-16	Montana[6]	7-16
Alaska	7-16 or h.s. grad.	Nebraska	7-16
Am. Samoa	6-18	Nevada	7-17
Arizona	6-16 or completed 10th	New Hampshire	6-16
Arkansas	5-17	New Jersey	6-16
California	6-18	New Mexico	5-16
Colorado	7-16	New York[7]	6-16
Connecticut	7-16	North Carolina	7-16
Delaware	5-16	North Dakota	5-16
District of Columbia	7-17	Ohio	6-18
Florida	6-16	Oklahoma	5-18
Georgia	7-16	Oregon	7-18
Hawaii[2]	6-18	Pennsylvania	8-17
Idaho	7-16	Puerto Rico	8-14
Illinois	7-16	Rhode Island	6-16
Indiana[3]	7-16	South Carolina[8]	5-17
Iowa	6-16	South Dakota[6]	6-16
Kansas	5-16	Tennessee	7-18
Kentucky[4]	6-16	Texas	6-17
Louisiana	7-17	Utah	6-18
Maine	7-17	Vermont	7-16
Maryland	5-16	Virginia	5-18
Massachusetts	6-16	Washington[9]	8-18
Michigan	6-16	West Virginia	6-16
Minnesota[5]	7-16	Wisconsin	6-18 or h.s. grad.
Mississippi	6-16	Wyoming	7-16
Missouri	7-16		

Notes:

[1] Proposed 2/96, SB 150 will require compulsory education until the age of 17. (continued next page)

[2] Hawaii allows student over the age of 16 to withdraw with the approval of a principal and student's guardian, and if an alternative education program exists.

[3] From age 7 until student (1) graduates; (2) is between age 16-18 and meets requirements for exit interview before graduation; or (3) reaches 18. Withdrawal before 18 requires parent/guardian and principal written permission.

[4] Must have written parental permission to withdraw from ages 16-18.

[5] Age 18 takes effect in 2000.

[6] Montana and South Dakota indicate to age 16 or completion of eighth grade.

[7] New York City and Buffalo are age 6-17.

[8] Kindergarten mandatory, but permits parental waiver for kindergarten at age five.

[9] Early withdrawal possible if age 15, completes eighth grade, has useful occupation, met graduation requirements, or has certificate of education competency.

Compiled by the Information Clearinghouse

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Clearinghouse NOTES . . . . . BILINGUAL EDUCATION

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Source: *Public School Finance Programs of the United States and Canada 1993-94*, American Education Finance Association.

State	Bilingual / ESL Funding Program
Alabama	None
Alaska	Alaska has no special program for bilingual education but includes it as a source of additional funding in the general foundation formula. For example, non-English speaking students receive 4.2% of the value of an instructional unit in addition to the contribution these students make through overall elementary or secondary enrollments. While official figures are unavailable, the Alaska Department of Education shows that 2.4% of total 1994 instructional units consisted of bilingual education units. However, school districts are not required to spend an amount on bilingual education equal to the foundation funds acquired on behalf of these students.
Arizona	State funding for limited English proficient students is through an add-on weight in the foundation program.
Arkansas	There is no state aid provided for bilingual education. The small bilingual programs that exist are federally funded.
California	Bilingual funding is included with compensatory (at-risk) education program.
Colorado	Currently, less than 1.0% of total state school aid funds bilingual programs. The English Language Proficiency Act (CRS22-24-101 *et. seq.*) pays for up to two years of additional service to children whose dominate language is not English, amounting to the greater of $400 or 20% of the statewide average per-pupil operating revenues for the prior year, whichever is greater. Seventy-five percent of the appropriation is to be used for this purpose. The remainder of the appropriation is to be used for bilingual or multilingual students whose dominate language is difficult to determine. These students are to be funded at the greater of $200 or 10% of the statewide average per-pupil operating revenues for the prior year. State funding has been insufficient to meet formula costs; therefore payments to districts have been prorated.
Connecticut	Local school districts are required to provide a program of bilingual education if there are 20 or more students in any public school who are dominate in any one language other than English and who are not proficient in English. These programs serve approximately 14,000 students in 13 local school districts (Connecticut General Statutes 10-17(a) through 10-17(h)) and are distributed on a per-pupil basis among the eligible district.
Delaware	The state does not provide funding for bilingual programs except through its Basic Support Program.
Florida	Bilingual education is one of the programs for at-risk students. The number of students in any of the three bilingual programs are multiplied by the base student allocation ($2,501.05). *State and Local Shares:* No distinction is made between state and local shares. *Extent of Participation:* All 67 districts.

State	Bilingual / ESL Funding Program
Georgia	Special instructional assistance is provided for pupils whose native language is not English. The program is designed to help these pupils to develop fluency in English including listening, speaking, reading, and writing (Ga. Code § 20-2-156). *State and Local Shares:* The bilingual program is funded as part of the QBE act and does not require additional local contributions. However, districts funding these programs beyond the QBE level are responsible for the excess costs. *Extent of Participation:* 32 districts.
Hawaii	Bilingual funding is included in compensatory education funding.
Idaho	Bilingual education is handled within the regular language program or the special education program.
Illinois	Bilingual education is provided via two current funded programs: Transitional Bilingual Education (TBE) and Transitional Programs of Instruction (TPI) for children of limited-English proficiency. TBE programs are required in schools with 20 or more students with the same native language; all courses required by Illinois law must be taught in the native language if English proficiency is not high enough. TPI programs apply to schools with less than 20 students of the same language background. After receiving program approval from the State Superintendent of Education, districts are eligible for reimbursement up to an approved ceiling based on enrollment per attendance center of students with limited-English proficiency. Bilingual programs are mandatory in Illinois public schools from kindergarten to 12th grade, but pre-K bilingual programs are funded.
Indiana	None
Iowa	Students identified by the district as having limited English proficiency are weighted .19 for budget purposes. This supplementary weighting provision was first implemented by the legislature in the 1991-92 school year. School districts requiring additional funds for limited English speaking students may count these students for up to three years for funding purposes. Districts may also ask permission of the School Budget Review Committee to levy additional property taxes for this program. (Statute: Chapters 442, School Foundation Program; 280.4, Medium of Instruction — Special Instruction).
Kansas	Included as weighting in the SFA.
Kentucky	None
Louisiana	Funding is included in the basic support formula and is not distinguishable.
Maine	Bilingual programs are subsidized as part of the Basic Support Program.
Maryland	The General Assembly allocated, on a one-time basis, $500 for every student identified as limited English proficient for 1993-94. The 1994 legislature extended and expanded this program for 1994-95 and subsequent years (Section 5-203.1). *State and Local Shares:* The state share is limited to the $500 per pupil appropriated. The local share is the cost of the program beyond $500 of state appropriations. *Extent of Participation:* 4 LEAs (16.6%).
Massachusetts	Bilingual education students are included as one of the 11 enrollment categories used in the foundation formula.
Michigan	Aid is provided to local and intermediate districts offering bilingual instruction programs in speaking, reading, writing, or comprehension for pupils of limited English-speaking ability (Article 4, Sec. 41). *State and Local Shares:* The state's share is the amount available per pupil multiplied by the number of pupils of limited English-speaking ability participating in the district's approved program. The amount available per pupil is calculated by dividing the total state appropriation by the total number of eligible pupils enrolled in all approved programs. The district assumes the remaining costs. *Extent of Participation:* 90 local districts and 5 intermediate districts.

State	Bilingual / ESL Funding Program
Minnesota	Two program delivery designs are used to serve students with limited English proficiency (LEP): English as a second language and Bilingual Education. *State and Local Shares:* A district's state aid equals the lesser of 55.2% of salary or $15,320 for each eligible full time equivalent (FTE) teacher. A district is eligible to receive funding for one FTE teacher for each 40 LEP students or a pro-rata portion of a FTE teacher for fewer than 40 students. Districts with 20 or fewer LEP pupils are eligible to receive funding for one-half FTE teacher. The local share is the difference between 68% of salary expenditures for eligible staff and the state aid for salaries included in the special education levy equalization revenue.
Mississippi	None
Missouri	None
Montana	None
Nebraska	None
Nevada	None
New Hampshire	None
New Jersey	Aid was provided in the same amount received for the 1992-93 school year. Bilingual education aid under the Quality Education Act was provided to districts for the additional costs involved in educating children with limited English proficiency. The cost factor for bilingual education programs was 0.18. *State Share:* To determine the amount of a district's bilingual education aid, the state multiplied the number of students enrolled in bilingual education programs by the foundation amount of categorical aid ($7,232) and the cost factor for bilingual education (0.18). *Extent of Participation:* 440 districts in 1993-94.
New Mexico	The state distributes funds to local districts offering bilingual programs in grades K-12 under the Bilingual Multicultural Education Act. The purpose of the Act is to ensure equal education opportunities for students. Cognitive and affective development is encouraged by utilizing the cultural and linguistic backgrounds of students in the curriculum, providing students with opportunities to expand their conceptual and linguistic abilities, and teaching students to appreciate the value and beauty of different languages and culture. To be eligible for state financial support, each program shall provide for the educational needs of linguistically and culturally different students, including Native American children and other students who may wish to participate, in grades K-12, with priority given to programs in K-3; use two languages as mediums of instruction; use teachers who have specialized in elementary or secondary education with additional, special training in bilingual education conducted through the use of two languages; and emphasize the history and cultures associated with the students' mother tongue. Programs must be submitted to the State Department of Education for approval. At regular intervals, the local school board, the State Department of Education and a parent advisory committee from the district must review the goals and priorities of the program and make appropriate recommendations to the State Board of Education. *Extent of Participation:* 83,257 K-12 students in 59 the 88 districts.
New York	All school districts are required to have a plan for serving limited English proficiency (LEP) pupils. The type of program (bilingual or English as a second language) provided depends on the number of pupils sharing a language other than English. Districts may provide the program directly or by contract with a board of cooperative educational services or another school district. Districts that provide an approved program are eligible for LEP aid equal to 15% of the per pupil operating aid paid to the district times the number of LEP pupils served in the program. *Extent of Participation:* in 1993-94, 187 districts participated in the program.

State	Bilingual / ESL Funding Program
North Carolina	Funding for bilingual education is offered through basic program support. Districts are encouraged to offer English as a second language and foreign language programs for both elementary and secondary students but receive no special funding to do so. Participation is subject to local control and cannot be determined as a separate funding item.
North Dakota	The state does not support a program of bilingual education with a specific designated appropriation. On several of the federal Indian reservations, American Indian groups have secured federal support for teaching and maintaining their native languages. A recent data initiative will require that schools collect information concerning the spoken home language of all students and report the kind and extent of services provided to limited English proficient students in membership.
Ohio	None
Oklahoma	Bilingual education is funded through the state aid formula. A special pupil category weight is assigned to each bilingual student on districts' rolls. Bilingual students are defined as students who speak a language other than English in the home.
Oregon	None
Pennsylvania	None
Rhode Island	Rhode Island has a limited English proficiency (LEP) incentive state aid program. This program establishes a state per pupil LEP cost and provides incentive funding above that provided for these expenses in operations aid using the operations aid share ratio. In no instance is more than 100% of the cost of LEP services reimbursed in a combination of this program and operations aid. LEP incentive aid also uses a two-year reference for formula factors and expenses, and each district's entitlement is ratably reduced if the program is not fully funded through the state budget process.
South Carolina	None
South Dakota	The state does not support a program of bilingual education. The school districts apply directly to the U.S. Department of Education for funding of projects.
Tennessee	None
Texas	For each student in average daily attendance in a bilingual education or special language program, a district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by 0.1. *State and Local Shares:* Funded through Tier 1 additional entitlements. *Extent of Participation:* All districts.
Utah	None
Vermont	There were 750 students who were served as being non-proficient in English and migrant education serves 1,705. Other than the use of some special education allocation for this purpose, there is no state funded bilingual program.
Virginia	The state provided aid to the local school divisions for English as a Second Language (ESL) programs for the first time in the 1990-91 school year. ESL enrollments have been steadily increasing. In 1985, 9,102 students with limited English proficiency were enrolled in ESL classes across the Commonwealth. By 1993, the number had grown to 17,594, an increase of 93%. These students now represent over 100 different languages. *State and Local Shares:* The cost of nine instructional positions per 1,000 students for whom English is a second language is shared between the state and local school divisions according to a locality's composite index of local ability to pay. The local school districts assume the remaining costs of these programs. *Extent of Participation:* 87 local school divisions.

State	Bilingual / ESL Funding Program
Washington State	In 1993-94, the allocation formula provided school districts with $628.90 per eligible student for transitional bilingual education (RCW 28A.150 and 28A.180). *State and Local Shares:* The state is required to fully fund a bilingual education program (*Seattle School District v. State*, 1983). Local districts fund the difference between the formula-generated allocation and actual expenditures for transitional bilingual programs. *Extent of Participation:* 180 of 296 districts.
West Virginia	None
Wisconsin	Districts required by state law to provide special classes to pupils of limited English-speaking ability (schools which enroll 10 or more LES pupils in grades K-3, or 20 or more in grades 4-12) are eligible for categorical aid (Wis. Statute 115.995).
Wyoming	None

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Charter School Laws as of August 1996

Stronger Laws (likely to yield larger numbers of autonomous schools) — Weaker Laws

	AZ ('94)	DE ('95)	NC ('96)	FL ('96)	NH ('95)	SC ('96)	MA ('93)	MI ('94)	TX* ('95)	IL ('96)	CA ('92)	DC ('96)	NJ ('96)	NM ('91)	CO ('93)	LA ('95)	CT ('96)	WY ('93)	HI ('94)	WY ('95)	NM ('93)	RI ('95)	GA ('93)	KS ('94)	AR ('95)	AK ('95)
1) Non-local board sponsor available *OR* Appeal process exists'	x	x	x x	x	x	x	x	x	x		x	x	x x	x x	x		x				x	x				
2) Individuals or groups from outside the public school system can organize a charter proposal	x	x	x	x	x	x	x	x	d	x	x	x	f	x	x	x	x	x		x				x		x
3) Automatic exemptions from most state laws/rules & local policies	x	x	x	x	x	x	x		x	x	x	x		x		x		h	x							
4) Fiscal Autonomy - school has complete control over funds generated by their student count (including salaries)	x	x	x	x	x	x	x	x	x	x	e	x	f	x	g	x	x		x							
5) Legal Autonomy (e.g., teachers are employees of school, not local district) *OR* The charter (not the law) determines the level of legal autonomy	x	x	x	x	x	x	x	x	x	x	x	x	f	x	g	x	x									
6) No (or very high) limits on the number of charter schools that can be formed (compared to total population)	x	x	x	x	x	x		x		x			x		x			x	x	x			x		x	
7) Some percent of non-certified individuals can teach at charter school (without having to seek a waiver or alternative certification)	x	b	x	x	x	x	x	c	x	x'	x	x				x										
Total "Stronger" Components	7	7	7	7	7	7	6	6	6	6	6	6	5	5	5	5	4	3	3	2	1	1	1	1	1	1

Highlighted columns are the six most recently-passed charter school laws. The general strength of these laws reflects a trend toward stronger legislation.

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NOTES:

a "Stronger" charter school law components are those which are most true to the charter school concept, challenge the status quo aspects of the system, and theoretically may lead to broader student impacts and ripple effects. Component #1 (availability of non-local board sponsorship or appeal) is considered a vital component in order to get an adequate number of charter schools started. The strength of appeals processes varies from state to state. Some analysts argue that the recent bills in Florida and South Carolina include appeals processes that will allow local districts to veto charter applications. Legislation in many states allows a wide variety of individuals and organizations to apply for charters, but no states allow religious schools to apply.

b In Delaware, up to 35% noncertified teachers may be utilized if no qualified alternative certification program exists (and presently there is no such program in the state).

c In Michigan, the issue of automatic law exemptions is still unclear, and certification is required except in university-sponsored schools wherein higher education faculty can teach.

d Based upon "open enrollment" charter school portion of Texas' charter school bill. Eligible organizers are limited to public or private higher education institutions, a non-profit, or a governmental entity.

e California's charter schools are allowed by law to be legally and fiscally autonomous, but this depends upon the provisions of a given school's charter.

f In New Jersey, any teacher or parent within a district may themselves, or in conjunction with any in-state higher education institution or private entity, establish a charter school; such schools are eligible for at least 90% of the local levy budget per pupil; and district collective bargaining provisions automatically apply to converted public schools, while salaries within new charter schools must fall within the range established by the district in which the school is located.

g Legally, Colorado's charter schools are to remain a part of the local school district and to receive at least 80% of their funds; in practice, however, many are operating quite autonomously.

h In Wisconsin, charters school are automatically exempt from most state laws and rules, not local board policies. Also, recently enacted provisions strengthen the law for potential charter schools within the Milwaukee district only in that such schools can become legally and financially autonomous, and have access to an appeal process involving the new state secretary of education. In Wisconsin, the district gets to determine whether to accept any applications at all. Once a district decides to accept applications in Wisconsin a group of parents or community members may apply.

i Connecticut's legislation has a state-sponsored charter school component that reflects the analysis included in this chart. The state also has district sponsored charter schools that are considerably less autonomous and not included in this analysis. Existing private schools are not allowed to apply for a charter. For-profit organizations may not apply for a charter, but are free to contract with successful charter applicants. Parents or groups of parents who homeschool their children may not apply for a charter to continue such activities. The fiscal independence of the school depends on the terms of its charter.

j Non-certified individuals need not apply for an alternative certification, but the Illinois legislation spells out conditions for employment of non-certified individuals that are similar to requirements for formal alternative certification in other states. The state's cap on charter schools is 45, and the legislation includes regional subcaps as well. These two qualifications suggest that the Illinois legislation may be "weaker" than it appears.

This research is supported by a grant from the Danforth Foundation. The table is based on an earlier version created by Louann A. Bierlein, governor's education policy advisor, Louisiana. For an earlier copy of this table see the 1995 ECS report, *Charter Schools: Initial Findings*. ECS alone is responsible for the content of this edition.

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Charter School Organizations

Organization	Comments
ALASKA	
Alaska Department of Education **Darby L. Anderson** Superintendent of Aleyska Central Schools Alaska Dept. of Education 801 West 10th Street, Suite 200 Juneau. AK 99801-1894 Voice: 907-465-2800 Fax: 907-465-2935 email: danderso. @ educ.state.ak.us	The Department is the contact point for state implementation and works with districts, schools, and provides legislators with data on programs. They are in the process of creating demographic vignettes for schools and provide a question and answer booklet on Alaska Charter Schools Act along with answers to most frequent charter school questions. The Department tries to utilize local technical assistance people, but if not available, uses outside resources.
ARKANSAS	
Arkansas Department of Education **Jim Boardman** Asst. Director Planning/Curriculum Arkansas Dept. of Education Four State Capitol Mall Room 403 A Little Rock, AR. 72201-1071 Voice: 501-682-4239 Fax: 501-682-4487 email: jboardma@loki.k12.ar.us	Program just starting. Printed materials available include copies of rules, regulations, and legislation. Technical assistance is conducted in-house, but the Department has referred people to groups in Minnesota and other organizations. The assistance provided is determined by what schools want or need.
CALIFORNIA	
California Network of Educational Charters (CANEC) **Sue Bragato** Phone: 415 598-8192 FAX: 415 591-1043 E-Mail: GoCANEC@aol.com Website: http://wpusd.k12.ca.us/canec/canec.html Resource Center/Office location: The San Carlos Charter Learning Center Mailing address: 751 Laurel St., Box 414, San Carlos, CA 94070	CANEC is a statewide nonprofit, 501 (c)(3), non-partisan membership association of individuals who share the belief that charter schools provide exciting options for meaningful education reform and allow communities to invent the type of schooling that meets their unique needs. Founded in 1993, CANEC is committed to developing an essential linkage among charter participants and facilitating dialogue on charter schools.

Organization	Comments
Center on Educational Governance, School of Education, University of Southern California **Priscilla Wohlstetter** Center on Educational Governance School of Education University of Southern California University Park WPH 901 Los Angeles, California 90089-0031 Voice: 213-740-3450 Fax: 213-749-2707 email: wohlstet@mizar.usc.edu	Dr. Wohlstetter does not provide direct services to charter schools. Her area of expertise is in site-based management of schools. She has published many articles related to charter schools. These articles are available from her office or in journals the articles were published, which include Kappan and Educational Policy. She is currently working on the Danforth Foundation Project examining how school governance and management can support innovation in the classroom. Her work is directed primarily at charter school operators.
Charter Schools Project, Institute for Education Reform, California State Univ. **Eric Premack** 6000 J Street Sacramento, CA 95819-6018 Voice: 916-278-4600 Fax: 916-278-5014 email: eric_premack@calstate.edu Internet: http://www.csus.edu/ier/charter.html	The Institute works with legislators, school districts, and other groups in the development of research and policy and school implementation. They work in areas of state and federal policy as well as legal, financial, curriculum and other issues.
Pacific Research Institute **Pam Riley** Director of Education Policy 755 Sansome, #450 San Francisco, CA. 94111 Voice: 415-989-0833 Fax: 415-989-2411 email: rileypam@aol.com	The Pacific Research Institute works primarily with charter schools and sometimes with local districts. Most technical assistance is brokered, but the assistance that is rendered is without charge. The Institute can assist in negotiations between boards/districts and schools starting up. They also track legal issues and assist some schools with legal issues as those schools renew their charters. The Institute also "adopts" charter schools and helps with outside resources in areas such as business plans and strategic plans.
UCLA Graduate School of Education **Amy Stuart Wells** UCLA Graduate School of Education 405 Hilgard Ave. Moore Hall Los Angeles, CA 90095 Voice: 310-206-8570 310-825-0606 (Charter School Research Office) Fax: 310-206-6293 email: aswells@UCLA.edu	Conducting a series of case study reports on the differences between legislative intent and building/district implementation. Examining the gap between legislators policy view and the experiences of educators, parents and students in charter and non-charter public schools implementing laws. A major target is state policymakers. Check with UCLA for distribution information. Conducting evaluation study of charter schools in 6-10 districts in California. Also conducted evaluation of NEA Charter Schools Project.
COLORADO	
Colorado Department of Education **Bill Windler** Senior Consultant for School Improvement CDE 201 East Colfax Ave. Denver, CO. 80203 Voice: 303-866-6631 Fax: 303-866-6888	Assists in all phases except actually writing application. Gathers information necessary within department to assist schools. Brokered services include special education, accreditation, food services, transportation, governance board.

Organization	Comments
League of Charter Schools **Jim Griffin** Executive Director Colorado League of Charter Schools 7700 W. Woodard Dr. Lakewood, CO. 80227 Voice: 303-989-5356 Fax: 303-985-7721 email: James_Griffin @ Together. CUDenver.edu.	Membership organization of charter schools. Serves as networking contact between member schools. Schools pay membership dues. Facilitates with seminars, conferences, etc., providing Colorado schools what they feel they need. Works with districts and schools in the start-up process. Services include legal and lobbying. Broker a number of services, including curriculum.
CONNECTICUT	
Connecticut Department of Education **Yvette Thiesfield** PO Box 2219 Hartford, CT 06145 Voice: 860-566-1233 Fax: 860-566-8890 email: yvette.thiesfield @PO. state.ct.us	Connecticut is just beginning implementation of legislation. Applications currently are being printed. Primarily in the development and promotion stage — contacting groups like Edison and others. Developed a list of in-house technical assistance providers in various support areas. Have an application manual and creating a directory of informational contacts. Application manual contains frequently asked questions and answers, guidelines (being developed), barriers to creating a charter, interpretation of Connecticut law and appendices of supplementary materials.
GEORGIA	
Georgia Department of Education **John Rhodes** Director of School Renewal and School Improvement Programs Georgia Dept. of Education 1866 Twin Towers East Atlanta, GA. 30334 Voice: 404-656-0644 Fax: 404-657-2988 email: jrhodes@gadoe.gac.peachnet.edu	Provides assistance to schools. Administers federal charter school grant. Assists in the application and approval process. Assists with financial and legal issues as requested by schools. Assistance is direct or brokered as necessary to appropriate source.
KANSAS	
Kansas Department of Education **Rod Bieker** General Counsel for Kansas Department of Education 120 South East Tenth Avenue Topeka, KS. 66612-1182 Voice: 913-296-3204 Fax: 913-296-7933	No schools are anticipated at this time. Can provide information on state law authorizing establishment of charter school and petition document to establish a school.

Organization	Comments
LOUISIANA	
Louisiana Department of Education **Dr. William Miller** Interim Coordinator, Louisiana Charter Schools Project Louisiana Department of Education PO Box 94064 626 North 4th Street Baton Rouge, Louisiana 70804-9064 Voice: 504-342-3603 Fax: 504-342-7316 email: bmiller@mail.doe.state.la.us	Works with eight pilot system sites. Systems and schools have access to comprehensive technical assistance including a charter school advocacy group manual with legal, financial and other information. Generated a partnership with state. Conducts monthly workshops on various issues as well as a semi-annual conference.
MASSACHUSETTS	
Charter School Resource Center at Pioneer Institute **Linda Brown,** Executive Director Charter School Resource Center at Pioneer Institute 85 Devonshire Street, 8th Floor Boston, Mass. 02109 Voice: 617-723-2277 Fax: 617-723-1880 e-mail: 75374.643@compuserve.com Internet: www.his.com/chyden/~pithink	Primarily local orientation, some national. Provides an array of support in curriculum and assessment, budget/fiscal, legal/ organizational, start-up capital and services, networking, negotiating political obstacles, media outreach and public education, policy analysis and advocacy. Major focus is on management and compliance. Performs on-site visits and informal audits. Has access to foundations, businesses, and banking communities. No fees. Independent non-profit.
MICHIGAN	
Michigan Department of Education **Gary Cass** Supervisor Public School Academy Project Michigan Dept. of Educ. PO Box 30008 608 West Allegan Street Lansing, MI. 48909 Voice: 517-373-4631 Fax: 517-241-0197 email: cassg@ state.mi.us.	Serves as liaison between schools and the state. Works on state aid, grants, teacher certification, curriculum. Handles all P.R. with media and legislators. Provides workshops for charter schools on technology, accreditation, state aid, etc. Developing demographics database. All assistance is in-house. Work with individuals on charter school process in terms of rules, regulations, pitfalls, etc.
Michigan Partnership **Barbara Barrett** Michigan Partnership for a New Education 4660 S. Hagadorn, Suite 500 East Lansing, MI 48823-5394 Voice: 517-432-3165 Fax: 517-432-2634 email: Barret35@pilot.msu.edu	Maintains list of schools in Michigan, with description of program, and other demographic information. Provides technical assistance, direct school management, information on start-up operations and brokered services. Major focus areas include financing, individualized curriculum and professional development, and administration. Operates some schools. Publishing handbook on how to plan and start a school (available December 1996). Has some research on charter schools.

Organization	Comments
MINNESOTA	
Minnesota Department of Education **Bill Allen** Charter Schools Coordinator Minnesota Dept. of Education 806 Capitol Square Building 550 Cedar Street St. Paul, MN. 55101 Voice: 612-296-4213 Fax: 612-297-2495 email: B.Allen @ state.mn.us	Has demographic information on schools. Has directory of charter schools which contains information from schools on internal priorities. Annual reports of schools. Services provided mainly within department. Can refer schools to outside experts in cases where a specific need exists. Works directly with the schools and with those developing proposals. Department seminars related to funding, special education and other areas.
NEW HAMPSHIRE	
New Hampshire Department of Education **Patricia Busselle** Administrator, Legislation/Hearings New Hampshire Dept. of Education 101 Pleasant Street State Office Park South Concord, New Hampshire 03301 Voice: 603-2761-3879 Fax: 603-271-1953	Provides information and answers questions on legislation and rules. Provides sample applications. Refers other issues to Charter School Resource Center, as all programs are currently done at the local level. As program and number of schools increase, may have a state coordinator.
NORTH CAROLINA	
North Carolina Department of Public Instruction **Richard D. Clontz** 301 N. Wilmington St. Raleigh, North Carolina 27601-2825 Voice: 919-715-1036 Fax: 919-715-0764 email: rclontz@dpi.state.nc.us	North Carolina is in the development and early implementation phase of its charter schools initiative and is currently distributing an application packet to all interested parties. Training sessions have been conducted on curriculum, budgeting, facilities, special education, etc. Resources available from the State Department of Public Instruction include meetings with individuals desiring to start charter schools, consulting about various aspects of a school environment and curriculum, providing an application packet that includes a question and answer guide, funding options from local, state, and federal sources, a copy of the state law (HB 955 *The Charter Schools Act of 1996*) and other applicable state laws, and the ABC's Model for Education. The Department of Public Instruction is primarily coordinating the application process at this time. The first charter schools will open as early as July 1,1997.
RHODE ISLAND	
Rhode Island Department of Education **Steve Nardelli** Legislative Liaison Rhode Island Dept. of Education Shepard Building 255 Westminster St. Providence, RI 02903-3400 Voice: 410-277-4600, ext. 2209 Fax: 401-277-2734 email: ride0050@ride.ri.net	Working with unions and the AFT in disseminating information on the process of applying. Provides in-house technical assistance in appropriate areas. Applied for federal grant. Serves as point agency in dealing with commissioner and state board.

Organization	Comments
TEXAS	
Texas Department of Education **Brooks Flemister** Sr. Director for Charter Schools Texas Education Agency William B. Travis Building 1701 North Congress Avenue Austin, TX. 78701-1494 Voice: 512-463-9716 Fax: 512-463-9354 Note: Send Fax to Dr. Gene Davenport	Maintains a file of national experts. Maintains files on schools in Texas with demographic and proposal information. Refers applicants and schools to national and state experts based on needs. Brokers in instances of greater support than TDE can provide. Provides seminars and state specialists on accountability and technical assistance directly to charters in curriculum, legal, financial, and other areas. Uses Regional Services Centers in Texas to work with area charters. Provides support to university evaluation teams.
WISCONSIN	
Wisconsin Department of Education **Tom Stefonek** Division Director Wisconsin Department of Public Instruction 125 South Webster Street PO Box 7841 Madison, WI. 53707-7841 Voice: 608-266-5728 Fax: 608-264-9553 email: stefotj@mail.state.wi.us	Has a basic set of information for dispersal. Packet contains copy of the legislation, list of current charter schools and how to contact, information on dealing with the local district, and advice on how to obtain grants. Information is directed primarily at those wishing to start a charter school. Works closely with Wisconsin Charter Schools Association. Facilitates many phone inquiries. Does many on-site presentations and seminars. Frequently refer questions to schools within charter school network in state. Technical assistance available in-house, includes all services of department of education. Audience includes local boards, individuals wishing to start charter schools, university students, practicing administrators and charter schools themselves.
WYOMING	
Wyoming Department of Education **Jim Lendino** Hathaway Building 2300 Capitol Avenue, 2nd Floor Cheyenne, Wyoming 82002-0050 Voice: 307-777-6268 Fax: 307-777-6234 email: JLENDIN1@EDU.ST.WY.US	Wyoming has no charter schools at this time. All of the application process "action" is conducted at the local district level.

Organization	Comments
NATIONAL ASSOCIATIONS	
American Federation of Teachers (AFT) **Joan Buckley** Associate Director/ Educational Issues Department 555 New Jersey Avenue, NW Washington, DC 20001-2079 Voice: 202-879-4453 Fax: 202-879-4402 email: aftjoan@aol.com Web Site: Http://www.aft.org	The AFT has released a report on charter school laws comparing existing laws to the AFT criteria for what they believe constitutes good legislation. The AFT provides assistance to local unions and teachers in developing charter schools or providing additional information. They are evaluating other aspects of charter schools. All technical assistance is provided in-house with no fees for local affiliates.
Center for Policy Studies (CPS) **Ted Kolderie** Senior Associate 59 West Fourth Street St. Paul, MN 55102 Voice: 612-224-9703 Fax: 612-224-2304	The CPS follows charter laws around the country: that is, they mainly follow developments regarding the states chartering sponsors rather than developments regarding sponsors chartering schools. In this connection, Ted Kolderie is available to those involved with state policy for consultation about the design of programs that provide real dynamics for districts and real opportunity for schools; and about strategy and implementation. A national survey of the status of state laws and programs, with the name and phone numbers of key persons and organizations involved, is available at several electronic sites; including the ECS web site at http://www.ecs.org
Center for School Change at the Humphrey Institute of Public Affairs, University of Minnesota **Joe Nathan** Senior Fellow Humphrey Institute of Public Affairs 301 Nineteenth Avenue South Minneapolis, MN. 55455 Voice: 612-626-1834 Fax: 612-625-0104 email: nathan001@ maroon.tc.umn.edu	The Center for School Change works with parents and educators in several ways. 1. Provides information about ways to improve schools, offering free and low-cost information and reports on topics such as increased family involvement, combining classroom work and community service and graduation based on demonstration of skill and knowledge. 2. Has published several reports explicitly about the history and operations of charter schools, and in October, 1996, Jossey Bass will publish a major book, *Charter Schools*, by the CSC director. 3. Offers grants to rural Minnesota communities which want to transform existing public schools or create new, more effective public schools. 4. Provides testimony and technical assistance about charter school policies and creation of charter schools which has been requested by legislators, state departments and school districts.
Charter School Strategies, Inc. (CSSI) **Peggy Hunter** President 210 West Grant Street, Suite 321 Minneapolis, MN 55403 Voice: 612-321-9221 Fax: 612-672-0244 email:	No materials are physically available, however, information on where to access and find materials is available through CSSI. Contacts are brokered by the organization to the appropriate contact depending upon the nature of the request. Services available include: how to assess schools, legislative testimony on "what we have learned" thus far about the operation of charter schools, and planning (proposal development — examination of the proposal in fine detail) and operations details. Some of this work is done in-house, and some is brokered, again, depending upon the needs of the schools. CSSI works mainly with legislator's and charter schools, and would like to expand its role with districts.

Organization	Comments
Democratic Leadership Council (DLC) **Navin Girishankar** Policy Analyst 518 C Street NE Washington, DC 20002 Voice: 202-546-0007 Fax: 202-546-0628	The DLC has a Charter School Reference Guide. The guide has sections on general information (comparison of charter school laws and general questions) along with names of contact people, videotapes, primers, how to access start up grants from the US DOE, and information from the GAO. The guide also has information of groups conducting evaluations of charter schools, policy experts, and other advocacy and education reform groups.
Education Commission of the States (ECS) **Alex Medler** Policy Analyst 707 17th Street, Suite 2700 Denver, CO 80202-3427 Voice: 303-299-3635 Fax: 303-296-8332 email: amedler@ecs.org	ECS primarily serves state-level policymakers but answers information requests from all interested parties. ECS tracks legislative action by states on charter schools and related issues. Legislation from all states is available as well as an extensive set of materials describing charter school policies and implementation issues. ECS sponsored research has included a 1995 survey of charter school operators (conducted in collaboration with the Center for School Change), examinations of funding and implementation issues by Louann Bierlein and the ECS staff and ongoing analysis of legislative changes.
Hudson Institute **Chester E. Finn, Jr.** (cefinnjr@aol.com **Bruno V. Manno** (bvmanno@ix.netcom.com) **Gregg Vanourek** (gvanourek@aol.com) 1015 18th Street, NW Suite 200 Washington, DC 20036 Voice: 202-223-5450 Fax: 202-223-9226 http://www.hudson.org/hudson http://www.edexcellence.net	The Hudson Institute is an independent, nonprofit think tank based in Indianapolis (but with a Washington, D.C. office) that is engaged in a two-year study of charter schools. Last year, Hudson researchers visited 43 charter schools in 7 states and published a report, *Charter Schools in Action: What Have We Learned?* on their findings (available for $5.00 by calling 1-800-HUDSON-0). Hudson also houses the Educational Excellence Network, which maintains an interactive web site dedicated to education reform issues.
Indiana Education Policy Center **Mark Buechler** IEP Ctr. Smith 170 Indiana University Bloomington, IN 47405 Voice: 812-855-1240 Fax: 812-855-0420 email: markbeek@indiana.edu	IEP published *Charter Schools: Legislation and Results after Four Years* (January, 1996), available for $12.00. The report examines charter school legislation in the first 19 states, amendments to legislation, and research on operating schools through September 1995. It also discusses charter school legislation in Indiana (1995) and the process that led to its defeat. Additionally, the Center maintains an extensive inventory of other charter school publications. The Center can discuss charter legislation and research, and refer callers to appropriate experts around the country.
The Institute for The Transformation of Learning at Marquette University **Dr. Howard Fuller**, Director Schroeder Complex, Room 146 PO Box 1881 Milwaukee, WI. 53201-1881 Voice: 414-288-5775 Fax: 414-288-3945 email: fullerh@execpc.com.	The Institute functions as the administrative center for the Wisconsin Charter School Association and access to financial, legal and other. resources. Can broker access to outside sources if necessary. Work with individuals and groups attempting to start charter schools. Work with educators in existing school districts and with existing charter schools. Goal is to work across systems. No fees for services.

Organization	Comments
Morrison Institute for Public Policy, Arizona State University **Lori Mulholland** PO Box 874405 Tempe, AZ 85287-4405 Voice: 602-965-4525 Fax: 602-965-9219 email: aqlam@asuvm.inre.asu.edu	The Morrison Institute for Public Policy has followed the development of the charter school movement from the beginning. Initially, the Institute conducted comprehensive analysis of charter school laws across the country, writing a series of reports and policy briefing papers, listed below. Most recently, the Institute has begun to focus on the emerging research literature regarding charter schools. The March 1996 policy brief was an initial review of the existing research on charter schools. **Policy Briefing Papers:** 1996, March - *Charter Schools: The Reform and the Research* 1995, April - *Charter School Update: Observations of Initial Trends and Impacts* 1994, September - *Comparing Charter School Laws: The Issue of Autonomy* 1994 - February - *Charter Schools: A Glance at the Issues* **Reports:** 1994, February - *Expansion of a Viable reform Initiative* 1992, November -*Charter Schools: A Viable Reform Initiative* The Morrison Institute publications are widely distributed across the country. Historical briefing papers and reports are still available, although state laws covered are, of course, dated. Reports are available for five dollars, and policy briefs are complimentary. The Institute does not provide formal technical assistance but provides a variety of local and national information and contacts to policymakers, reporters, civic groups and community-based organizations, charitable foundations, parents, and teachers.
National Conference of State Legislators (NCSL) **Connie Koprowicz** Research Analyst II 1560 Broadway, Suite 700 Denver, C0. 80202 Voice: 303-830-2200, ext. 136 Fax: 303-863-8003 email: connie.koprowicz@ncsl.org	NCSL tracks charter school legislation and related issues. They provide technical assistance to state legislatures and publish periodic LegisBriefs. NCSL handles information requests from legislative staff and legislatures. As a bipartisan organization, NCSL does not have model legislation. NCSL does not charge fees for constituents, but outside groups are charged for some services.

Compiled by Alex Medler, Policy Analyst, ECS

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Alternative Schools for Disruptive Students

State	citation	voluntary/ mandatory	under whose jurisdiction	description	year enacted	notes
AL				none		
AK				none		
AZ	§15-796.	V	district	School board "may contract with any public body or private person for the purpose of providing alternative education programs."	82	Placement contingent on approval of parent or guardian of named pupil, or of pupil if he is emancipated. "Alternative education" "means the modification of the school course of study and adoption of teaching methods, materials and techniques to provide educationally for those pupils in grades six through twelve who are unable to profit from the regular school course of study and environment."
AR	§6-18-508	M	district or public school educational cooperative	"Every school district shall establish an alternative learning environment"	95	An "alternative learning environment...may be established by more than one...school district or may be operated by a public school educational cooperative."
	§6-18-509	M	district	Alternative schools or classes in Arkansas should assess students before placing them in classes, and should provide personalized, constructive rather than punitive intervention services to deal with behavioral problems.	93	Teachers shall be provided with inservice training by the Department of Education.

State	citation	voluntary/ mandatory	under whose jurisdiction	description	year enacted	notes
CA	AB 625	V	district	Reauthorizes a school district that participates in school-based program coordination to establish an alternative education and work center for school dropouts at a continuation high school or adult school or to contract with a private non-profit community-based organization. The center would be required to teach basic academic skills, operate on a clinical, client-centered basis, and provide programs that include specified qualities.	95	
CO	HB 1203	V	state board	Authorizes opening of four pilot schools, each in a different quarter of the state. Two will be residential, two non-residential; courses in year-round format. The schools will target at-risk middle-school students, and must have an enrollment of 2/3 expelled students.	96	"[A] pilot school may operate free from specified school district policies, state statutes, state regulations, and contract requirements otherwise applicable to schools located in the school district where the pilot school is located...A pilot school shall be responsible for its own operation including, but not limited to, preparation of a budget, compilation of any data required by this article, contracting for services, and personnel matters." Funded by state department of education; "grants, donations, and contributions from public or private sources" also permitted.
CT				none		
DE	[14]1723	M	district	Provides funding to districts in three areas: (1) alternative schools for expelled and disruptive youth; (2) intervention grants for middle and high schools; (3) prevention grants, targeted at younger students.	94	$6.3 million funding provided in FY95

State	citation	voluntary/ mandatory	under whose jurisdiction	description	year enacted	notes
FL	HB 1643			Includes development of off-site alternative education programs for those who repeat serious offenses.	93	
	Section 230.02	V	district	Authorizes alternative school board policies for assignment of disruptive, violent, and delinquent youth; provides for second chance for youths. Assignment of students to second chance schools is addressed through 230.2316: allows districts to assign students based on any one of several disciplinary criteria.	95	May be funded by each district or provided through cooperative programs administered by a consortium of districts, private providers, state and local law enforcement agencies, and the Department of Juvenile Justice.
GA	HB 436	V	board of corrections	Authorizes creation of a special school district for incarcerated youth.	95	Board of Corrections will serve as board of education; the Commissioner of Corrections will serve as superintendent of schools. The Board of Corrections will establish education standards for the special school district
	§20-2-751.1	V	district	Provides for the establishment of policies by local boards requiring the expulsion of students who bring weapons to school; authorizes placement of such students in alternative programs.	94	Governor Zell Miller authorizes an alternative education program called Crossroads, targeted for disruptive and nonattending students in grades 6-12. Funds come from state lottery and are given to local school districts
HI	SB 647	M	district	Superintendent must analyze cases of students who bring firearms to school--if necessary and appropriate, these students to be provided alternative education.	95	
ID				none		

State	citation	voluntary/ mandatory	under whose jurisdiction	description	year enacted	notes
IL		V	district	Each educational service region except in Chicago may establish one or more alternative schools for disruptive students in grades 6-12 who would otherwise be suspended or expelled. Such schools must be away from regular school grounds. A public school may immediately transfer disruptive students to an alternative school. A meeting will then be held, with a parent invited, to develop the student's education plan, including a date by which the student may return to the regular school. Such a student who fulfills all graduation requirements of a transferring high school will receive a diploma from it. The regional school board will control the alternative school.	95	
IN	§20-8.1-5.1 -17	V	school	A principal has authority to require students of at least sixteen years of age, who wish to reenroll after an expulsion, to attend an alternative school, evening classes, or classes especially for students who are of at least sixteen years of age.	96	
IA				none		
KS	§72-9201	V	district	Districts may send students in grades 7+ to alternative schools. Students must be "determined by board...to be unable to benefit from other schools of the school district."	74	"Courses of instruction and other requirements of statutes and rules and regulations shall apply to any such schools to the extent that the same are not obstructive to programs of learning and instruction in such schools."
KY				none		
LA	Act 671 (416.2)	M	district	Requires suspended and expelled pupils to take part in an alternative education program approved by the State Board of Elementary and Secondary Education.	94	
ME				none		

State	citation	voluntary/ mandatory	under whose jurisdiction	description	year enacted	notes
MD	SB 145	V	county	County superintendent, upon reviewing case of student who brings firearm to school, may choose to send him to alternative educational setting if these have been approved by the county board.		
	§7-303	V	district	Establishes the Baltimore City Alternative Learning Center in the Baltimore City Public School System. Programs within the center must include elementary and secondary education programs, special education programs that fulfill the social and emotional needs of students and require the participation of the parents or guardians of the students, and vocational and rehabilitative training programs. The purpose of the bill is to provide disruptive students with the services they need and protect school staff and students.	95	A student may be transferred to the Center if he/she: 1. assaults a teacher, teacher's aide, student teacher, a professional or paraprofessional school employee, or a student; 2. carries a deadly weapon onto school property; or 3. commits any other act that would be a crime if committed by an adult.
	SB 221	M		Requires a continuum model of prevention and intervention programs for disruptive students.	96	Authorizes some and requires some disciplinary actions; requires the State Board of Education to adopt regulations and provide assistance; sets criteria for funding programs
MA				none		
MI				none		
MN	§10A-126.2	V	district	If they meet certain criteria (chemically dependent, have mental health problems, etc.) students may enroll full time (or part-time if age 16+) "in any nonprofit, nonpublic, nonsectarian school that has contracted with the serving school district to provide educational services."		
	412.4.31	V		Establishes grant programs to be awarded to "school site, a school district, a charter school, or a provider of an alternative education program" applicants who work with students removed from their regular classes and place them in alternative settings." Applicants must follow constructive guidelines in establishing alternative program.		

State	citation	voluntary/ mandatory	under whose jurisdiction	description	year enacted	notes
MS	SB 2510 (37-13-92)	M	district	Provides standards for removal of students to alternative school programs. Districts must provide program for expelled students.	95	
MO	§160.26	M	district	School districts are not prohibited from offering alternative education programs to suspended students.	95	Public schools required to suspend for at least one year any student who brings a firearm to school
MT				none		
NE	79-4, 179.01.	V [M after 1-1-97]	district	Expelled student may be assigned to a "school, class, or alternative education program." Beginning January 1, 1997, school districts must have "an alternative school, class, or educational program available or in operation for all students expelled..."	95	These "schools, classes, or programs" may be provided by a cooperative of two or more school boards
NV	§392.4675	V	district	A student suspended or expelled for weapon possession, drug sale or distribution, or assault of school employee may be allowed to enroll in "[a]n alternative program for the education of pupils at risk of dropping out of high school. "		
NH	§15-193:13	V	district	Expelled students may be provided "educational services...in an alternative setting."	95	Any student who, "without written authorization from the superintendent or designee" brings a firearm onto school property, receives a 12-month minimum expulsion.
NJ	18 A:37-8	M	district	Any student who is found in possession of a firearm on school property is to be expelled from his regular school system and placed in an alternative education program. When such a program is unavailable, he shall receive home instruction "or other suitable facilities and programs, until placement is available."	95	About half of the alternative programs have been established at community colleges; others will operate out of vocational technical centers, separate schools, or, at a minimum, school wings that segregate the potentially dangerous students from others.
NM				none		
NY				none		
NC	SB 1453			Appropriates $1.25 million to create a reserve for operation of boot camp.		

State	citation	voluntary/ mandatory	under whose jurisdiction	description	year enacted	notes
ND	§15-49-13	V	district	"A school board that expels a student [for possession of a firearm on school property and/or at a school function] may provide educational services to the student in an alternative setting."		
OH	HB 601	V	district	Authorizes district boards to create alternative disciplinary middle and high schools that may operate in a certain deregulated manner and to adopt certain policies related to student conduct, dress and discipline.	96	
OK	§1210.561.	V	district or other organization	Districts or nonprofit organizations whose students include a high percentage of at-risk youth, and which have programs for such youth which meet state criteria, will be eligible to receive Alternative Approaches grants from the State Board of Education.	92	
	§1210.563.	V	district or other organization	Districts or nonprofit organizations or entities "formed in an interlocal cooperative agreement," in counties with "a high number of dropouts...and a high number of referrals to the juvenile justice system" are eligible for Alternative Education Academy Grants. Guidelines for programs eligible for A.E.A. grants are named; i.e., the programs should be for students grades 6-12		
OR	§336.615-336.665	M	district	Schools or separate class groups must be established; they must "maintain learning situations that are flexible with regard to environment, time, structure, and pedagogy." Open to all students. Districts must pay for schools' costs.	95	336.655 states, "The Superintendent of Public Instruction shall find a school district to be deficient...if the district fails to cause the proposal of alternative programs to be made."
PA	13-1317.2	V	school	"[S]chool or area vocational school" may "make an alternative assignment or provide alternative educational services" while a student is under a one-year expulsion for possession of a weapon on school property.	95	
RI				none		

State	citation	voluntary/ mandatory	under whose jurisdiction	description	year enacted	notes
SC	§59-63-235	V	district	Students who are expelled for one year or more for possession of a firearm on school property "are not precluded from receiving educational services in an alternative setting."	95	
SD	§13-32-4	V	district	School district may provide "educational services to an expelled student in an alternative setting."	95	
TN	SJR 298	V	district	Encourages local school systems to develop alternative programs for juvenile offenders in cooperation with juvenile courts, law enforcement agencies, and community service agencies.	94	
	HB 2861	V	district	Students expelled for drug possession or assault of school employee may be assigned to alternative school.	96	All alternative school classrooms must have "working two-way communication systems making it possible for teachers or other employees to notify a principal, supervisor or other administrator that there is an emergency."
TX	§37.007. to 37.019	V	district	Students who are expelled for one year or more for possession of a firearm on school property are not precluded from receiving educational services in an alternative setting.	95	
UT	HB 243	V		Provides for the coordination of educational services with human service programs subject to licensure.	95	requires the program to provide satisfactory evidence that children served will receive appropriate educational services.
VT				none		
VA	§22.1-277.1	V	district	Authorizes local school boards to determine the appropriate alternative education placement of students who have been placed in alternative education by court order.	95	Applies to students charged with an offense or found guilty or not innocent of a crime for which the court disposition must be disclosed to the division superintendent.

State	citation	voluntary/ mandatory	under whose jurisdiction	description	year enacted	notes
WA	RCW 28A.320.140	V	district	School districts may establish schools and programs with stringent dress and discipline and parental participation standards. School boards may require students who would otherwise be suspended or expelled to attend these schools, and parents may choose to have their children attend.	94	The bill also appropriates money for afternoon and evening school-to-work programs for dropouts and at-risk students; for the Youthbuild program, which offers training in the building and construction trades; and for the Learning and Life Skills Centers--cooperative efforts between local school districts and the state juvenile rehabilitation program to improve education and employment outcomes for court-involved youth.
WV	§18-5-19	V	county boards	Schools have authority to work with county and state officials to design alternative settings for students who are expelled.	96	Students expelled for one year for weapon possession and for selling or possessing illegal drugs. County boards may use state-appropriated school funds to maintain alternative schools (18-9A-21).
WI	§118.53	M/V [depending on district dropout rate]	district	Every district must identify the children at risk under its jurisdiction and develop a plan annually by August 15 stating "how the school board will meet their needs." Names dropout figures under which districts must or may apply to the state superintendent for aid. Every board that applies for such state monies must provide program for children at risk, which named children may attend only if they or parents/guardian request. Programs to enroll 40-200 students each; "[e]ach school board shall identify appropriate private, nonprofit, nonsectarian agencies located in the school district or within 5 miles of the boundaries of the school district to meet the requirements...for the children at risk enrolled in the school district."	93	
WY	SF 0037	V	district	District may provide alternative education services to students expelled for weapons possession on school property.		

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DISCIPLINE OF SPECIAL EDUCATION STUDENTS

Under the federal Individuals with Disabilities Education Act (IDEA), all students, including those with mental, physical and emotional disabilities, are entitled to a free and appropriate public education. Since passage of this act, court decisions have placed important restrictions on public schools' authority to impose a disciplinary expulsion or long-term suspension on a student who is eligible for special services. How, then, should children with disabilities be disciplined when they pose a threat to school staff and fellow students?

Amendments made to the federal Improving America's Schools Act (IASA) in 1994 helped change the way schools can discipline students with disabilities. The changes allow the Individual Education Plan (IEP) team — a core of educators who have personal contact with the student — and the parents to place the student "in an interim alternative educational placement for up to 45 days, even if the parent objects" (see Notes 1). And although the other federal law, the IDEA, was unanimously reauthorized by a Senate committee in March 1996, as of this writing Senate Bill 1578 was under consideration. This bill would amend IDEA to permit schools to remove from the school setting disabled students who handle drugs or weapons or engage in behavior causing "serious bodily injury." (see Notes 2).

While the conversation continues at the federal level, the following states have addressed the discipline issue on their own. Although this list is not comprehensive, it represents states that have enacted legislation or regulations allowing for the expulsion of special education students.

state	citation	grounds for expulsion	year enacted	alternative educational opportunity required?
CO	§22-33-106	--"Continued willful disobedience or open and persistent defiance of proper authority" --"Willful destruction or defacing of school property" --"Behavior on or off school property which is detrimental to the welfare or safety of other pupils or of school personnel, including behavior which creates a threat of physical harm to the child or to other children" Child may not be expelled "if the actions creating such threat are a manifestation of such child's disability." However: "Nothing in this paragraph (c) shall be construed to limit a school district's authority to *suspend* a child with a disability for a length of time which is consistent with federal law." [italics ours]	93	yes, if "the actions creating such threat are a manifestation of such child's disability"
CT	PA 95-304, sHB 6898	--Weapons-related conduct --Distributing illegal drugs at school Only expelled when the misconduct was found not to be caused by his/her disability.	95	yes
FL	FAC 6D-3.002	--"if the student is considered to be a danger to self or others."	96	not available

state	citation	grounds for expulsion	year enacted	alternative educational opportunity required?
ID	SB 1189 (amends Section 33-205)	--Student who carries a firearm or weapon onto school property shall be expelled; however, "discipline of students with disabilities shall be in accordance with the requirements of federal law part B of the Individuals with Disabilities Education Act and section 504 of the rehabilitation act."	95	not available
IL	HB 780	--Bringing a weapon to school. Student to be expelled for not less than one school year and not more than two school years. However: "Expulsion or suspension shall be construed in a manner consistent with the federal Individuals with Disabilities Education Act."	95	referral to alternative school *permitted*
KY	HB 103	--Unspecified. "The State Board for Elementary and Secondary Education shall alone have the power to expel a pupil from the Kentucky School for the Blind or the Kentucky School for the Deaf. The board may delegate that power to a three- member panel of the board."	96	unspecified
MD	HB 1254	--Identified student with disabilities who brings a firearm to school may be placed in an interim alternative setting for no more than maximum days specified by federal act (unless conduct is not related to the student's disability, in which case procedures under state and federal law shall be followed) --For nonfirearm disciplinary action, student with disabilities may not be removed for more than 10 days unless (i) action not a manifestation of student's disability; (ii) discipline committee finds exclusion does not significantly impact student's educational program and parents have not appealed; (iii) student's parents have agreed to an alternative or interim setting; or (iv) current placement is likely to result in injury to the student or others, parents have not agreed to alternative setting and court has temporarily enjoined student from remaining in student's current placement. There is presumption that student should remain in current placement unless that placement is "substantially likely to result in injury either to the student or to others."	96	unspecified
NJ	NJAC 6:28-2.8 (a)	Refers to the responsibility of local districts for disciplining students with educational disabilities: --Pupil with educational disabilities may be suspended for up to 10 school days without initiating action by the Child Study Team. --Child Study Team must determine whether the pupil's misconduct was primarily caused by the educational disability. --Legislation eliminates the requirement for automatically conducting an initial Child Study Team evaluation of a pupil not previously identified as potentially educationally disabled, prior to initiating expulsion proceedings.	95	unspecified
NM	SBE Regulation No. 81-3	Students in special education may not be expelled or suspended long-term unless Educational Appraisal and Review (EA&R) Committee has first considered the case and reported its findings to the designated disciplinarian. The basic function of the EA&R Committee is to determine whether a student's misconduct might be ascribed to the school's inappropriate response to his/her needs. This includes consideration of whether a modified placement might correct the objectionable behavior.	81	unspecified
WV	HB 4065 §18A-5-1a (h)	--If special education students bring any deadly weapon to school. Also permits the suspension of students with disabilities for up to 10 days.	96	unspecified

Notes:

(1) "Congress Made Limited Exception to IDEA Stay-Put Rights and Is Considering Other Amendments." Center for Law and Education, Inc. *Newsnotes*, Fall 1995.

(2) "Senate Panel Approves Bill to Reauthorize Spec.-Ed. Act," Lynn Schnaiberg. *Education Week*, March 27, 1996, page 25.

Compiled by the Information Clearinghouse, August 1996.

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Pagers/Cellular Phones

state	citation	object(s) prohibited	area(s) prohibited	consequences of violation	exceptions
AL	§16-1-2	pager electronic communication device	possession by pupils	suspension or expulsion	made for medical emergencies
CT	Enacted HB 6898/SB 291	pager use of cellular phones limited	in public schools	not named	made with written permission from principal
GA	§20-2-1183	pager electronic communication device	possession by pupils	in-school suspension	made by school board
IL	§105 ILCS 5/10-21.10	pager or similar electronic paging device	in any school building	"appropriate discipline"	made by school board
IN	Enacted HB 1202	pager cellular phone	on school grounds off school grounds while at school activity traveling to or from school or a school activity	student's expulsion or suspension	made by school board
MD	§26-104	pager	on school grounds	arrest (but discretionary, not mandatory); maximum penalty of $2,500 and/or 6 months' imprisonment	made by school board
MI	§380.1303	pager electronic communication device any other personal communication device	possession by pupils	board decides upon appropriate penalty	made by school board

state	citation	object(s) prohibited	area(s) prohibited	consequences of violation	exceptions
NV	§392.500	pager cellular phone any similar device	on school grounds	unspecified	made with written consent of principal
NJ	§2C: 33-19	pager	on school grounds	disorderly persons offense	made by school board
OK	§24-101.1	pager	on school grounds	unspecified	made by school board with parents' consent
PA	§13-1317.1	pager	on school grounds	unspecified	made for medical emergencies made for students working with a fire company or rescue squad
RI	§16-21.2-11	pager	on school grounds	confiscation of device	made by principal
SC	§59-63-280	pager	on school grounds	officer of the peace will confiscate device	made by school board
TN	§49-6-4214	pager electronic communication device	pupil possession	unspecified	made for medical emergencies
TX	§37.082	pager electronic communication device	on school property or at school-sponsored activity on or off school property	confiscation and disposal, with local discretion as to possible fees, etc.	none, but could be accomodations made at local level
VA	§18.2-322.1	pager similar communications device	on school grounds	unspecified	unspecified

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State-Level Policies Regarding School Uniforms and Dress Codes:

State	Summary
CA	Enacted law that allows school uniforms in 8/94. The law states that students cannot be barred from attending schools for failure to wear uniforms, and provisions must be made to obtain uniforms for low-income students.
DE	Enacted 1995. Provides authority for local school boards to adopt dress code policies and requires schools within such districts to adopt school uniforms.
IA	Enacted 1995 (279.58). Allows board of directors to adopt dress code policy that prohibits students from wearing gang-related or other specific apparel if board determines the policy is necessary for health, safety, or positive educational environment of students and staff or for appropriate discipline and operation of the school.
IN	Enacted 5/95, a school discipline bill allows schools to adopt dress codes.
LA	Enacted in '92, state bill allows school boards to adopt rules and regulations it deems necessary to implement a school dress code which includes the use of uniforms, and which allows each parent/guardian the option of using such uniforms.
MA	Enacted 3/96, state bill allows local school districts to establish dress codes after "reasonable consultation."
MN	Enacted in '95, legislators amended law that prohibited schools for charging for certain things, including uniforms. Amendment says school board may require students to furnish or buy a uniform if board adopts a uniform requirement.
NJ	Signed into law 7/96, SB 540 states "A board of education may adopt a dress code policy to require that students wear a school uniform if the policy is requested by the principal, staff and parents of an individual school and if the board determines that the policy will enhance the school learning environment."
TN	Enacted 3/95, SB 1748/HB2009 authorizes local boards of education to promulgate and adopt rules and regulations prohibiting secondary school students from wearing clothing that has gang associations.
TX	§ 11.162 reads "(a) The board of trustees of an independent school district may adopt rules that require students at a school in the district to wear school uniforms if the board determines that the requirement would improve the learning environment at the school." Provisions exist for parental opt-out and the providing of uniforms for students who are "educationally disadvantaged."

State	Summary
UT	Enacted in '94, Utah law allows local boards and public schools to adopt dress codes requiring all students to wear a designated uniform. If a petition signed by parents or guardians of 20% of students is presented to the adopting authority within 30 days of adoption, an election is required.
VA	Enacted 3/95, HB 2032 directs the board of education to develop model guidelines for local school boards to use when establishing requirements for pupils to wear uniforms. HB 2136, also enacted 3/95, authorizes school districts to establish requirements to wear school uniform.
WA	Enacted 1994. School district boards may establish schools or programs which parents may choose for their children to attend in which students are required to conform to dress and grooming codes (including uniforms), although accommodations must be made for special circumstances. (Does not preclude boards from requiring a dress or appearance code without a special program/school, but does say districts should make accommodations so uniform requirement is not an "unfair barrier" to attendance.)

Examples of School District-Level Policies on School Uniforms: (not inclusive)

District, State	Voluntary	Mandatory	Notes
Highland Park, MI	X 5 schools		
Long Beach Unified, CA		X 70 schools	Parents have option of refusing to comply; there are provisions to supply low-income students with uniforms.
Dade Co., FL	X 80 schools	X 46 schools	
Oakland, CA		X	See Long Beach Unified
DC	X 41 schools		
Detroit, MI	X 5 schools		
Country Club Hills, IL	X 3 schools		
Chicago, IL	X 225+ schools		
Prairie Hills, IL	X 7 schools		
Baltimore, MD	X 120 schools		Elementary and middle schools only.
Dayton, OH	X 17 schools		
Phoenix, AZ		X 1 school	Constitutionality upheld by county court judge in '95.
St. Paul, MN		X 1 school	Hazel Park Middle School Academy is phasing in uniforms from 96-97.

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Teacher Protections/Limits on Liability

state	legislation	limits on teacher action	assaults against teachers	other rights of teachers and school employees
AL	HB 470/SB 367; enacted 7-95 S 79 (Acts 94-794); enacted 5-94	Teachers granted immunity, as long as their actions are within the boundaries of local board policy	Warrant of arrest issued against anyone assaulting teacher; offender prosecuted Felony offense	Legal support provided by board; exempt from child-abuse charges when acting within parameters of written board policies; immunity when reporting suspected drug abuse
AR	HB 1422; enacted 4-95		Must be reported by principals to the appropriate local law enforcement agency	
FL	96-293; became law 5-96 without governor's signature		Reclassification of offenses for person committing assault on an elected official or employee of a school district, private school, state-supported school or state university. Any student found to have committed assault on a school employee (as above) -- a violation of 784.081, Florida Statutes -- shall be expelled and placed in an alternative setting for a minimum of 1 year.	Child who attacks school employee to be expelled and placed in an alternative school setting for at least one year
GA	20-2-1000; enacted 4-95	Teacher free from threat of civil damages when disciplining student, "except for acts or omissions of willful or wanton misconduct"		Legal fees (if teacher/defendant found innocent) paid by plaintiff; county or local board to provide legal support for educator, except in cases when educator violated board policy

state	legislation	limits on teacher action	assaults against teachers	other rights of teachers and school employees
IA	Safe Schools Bill; enacted 5-94 HF 2383; enacted 6-94	Teachers may use "reasonable force" to maintain order	Students who commit a violent act against a school employee are to be automatically suspended School board may choose to expel student	Those prosecuting teachers for use of excessive force must present "clear and convincing" evidence of abuse, rather than a "preponderance" of evidence Schools authorized to share information regarding students who wish to transfer school; employees are given leave for injuries incurred during a violent episode at school
IN	enacted 5-95			Legislation allows suspensions once limited to five days to be increased to ten days; teachers can keep students from their areas of supervision for up to five days; monies collected from fines to be used to purchase metal detectors and other safety equipment; schools may enact dress codes
IN	SB 73; enacted 3-96		Punished by school principal by means of up to 120 days of community service or by assigning juvenile court counseling conducted in the presence of a representative of the school corporation; fines assessed for crimes committed with weapons	
MD	HB 298; enacted 1-96		School staff may "take reasonable action necessary to prevent violence"	County board will compensate staff member for medical expenses incurred while breaking up violence; county board will provide legal counsel for staff member who has taken "reasonable action necessary to prevent violence"

state	legislation	limits on teacher action	assaults against teachers	other rights of teachers and school employees
MI	PA 158; enacted 6-94		Any person who assaults another person with less than the intent to commit murder or to inflict great bodily harm, with a gun, revolver, pistol, knife, iron bar, club, brass knuckles or other dangerous weapon in a weapon-free school zone is guilty of a felony punishable by one or more of the following: 1. imprisonment for not more than four years 2. community service for not more than 150 hours 3. fine of not more than $6,000	A parent of a minor is guilty of a misdemeanor if he or she has custody of the minor, the minor is found in possession of a weapon in a weapon-free school zone, and the parent is aware that the minor would violate the firearms act or acts to further the violation; the misdemeanor is punishable by one or more of the following: 1. a fine of not more than $2,000 2. community service for not more than 100 hours 3. probation; anyone in possession of a weapon in a weapon-free school zone is guilty of a misdemeanor punishable by one or more of the following: 1. imprisonment for not more than 93 days 2. community service of not more than 100 hours 3. fine of not more than $2,000
NC	HB 496; enacted 6-95			Offense for assaulting a school bus driver
NC				Amends GS 115c-391 to: 1. permit expulsion of student 14 years or older who had been adjudicated delinquent for committing offense that would be felony if committed by adult 2. require suspension of 365 days for any student who brings firearm onto school property
NH	HB 1286; enacted 6-96		Automatic expulsion for student who assaults teacher	

state	legislation	limits on teacher action	assaults against teachers	other rights of teachers and school employees
NV	392.465; enacted 6-94	Corporal punishment prohibited in public schools, when defined as the intentional infliction of physical pain or physical restraint as a disciplinary technique for pupils	Unlawful to threaten or attack teachers within a school building or on school property, in school transportation vehicles and places where pupils or school employees are involved in school-sponsored activities	Teachers may use reasonable force to maintain order; school employee may defend himself if attacked by pupil
	AB 370; enacted 6-94			Provides an additional penalty for felonies committed on school property; prohibits probation for any person convicted of using a firearm to commit a crime; makes various changes relating to criminal gangs to provisions governing education, parole and proceedings in juvenile court; removes the limitation on the civil liability of parents from the delinquent acts of a minor
	AB 385; enacted 6-95		Requires the expulsion or suspension from school of certain pupils committing an assault on an employee of the school	
NY	S 1410; proposed 3-96, pending as of 7-22-96		Would make assaults on teachers and other school employees felonies	Would give educational workers the same protections currently afforded police officers and firefighters
	SB 5157; proposed 3-96, pending as of 7-22-96			Would allow teachers to suspend students for up to five days; would improve instructional mandates for the education of at-risk students; teachers would be authorized to unilaterally identify offensive student behavior, determine guilt, and dispense punishment; would mandate districts to establish separate schools or set aside norms for instruction of disruptive students, and dictate when students must be assigned to these segregated settings
	SB 5160; proposed 3-96, pending as of 7-22-96			School employees granted criminal and civil immunity when reporting suspected incidents of violence; district may not take retaliatory action against the employee for reporting such incidents; the employee may sue the director for taking retaliatory action

state	legislation	limits on teacher action	assaults against teachers	other rights of teachers and school employees
OR	HB 2487A; enacted 7-95		A school superintendent may ask that a student's driving privileges be revoked for bringing a weapon to school, assault, harassment, menacing, use of threat or intimidation	Public schools allowed more latitude in student suspension and discipline; teachers may include considerations of attendance when deciding upon grades; students who bring weapons to school may be expelled for one calendar year
TX	Compact for Safe Schools; active 6-94 380.1312, effective 7-96	Teachers allowed reasonable physical force to maintain control	Students who perpetrate violent acts removed from the regular school program	
UT	SB 230; enacted 6-94			Schools notified when pupil is adjudicated for a violent offense; school districts must notify principals who must pass on information to teachers on a need-to-know basis; board of education must decide upon process of dissemination of information; leaders must be notified when a student is discovered on school property or at a school-sponsored event with a dangerous weapon
VA	22.1-279.1.1; enacted 3-95 Notice of Juvenile Arrest; enacted 5-95 HB 1041; proposed 1-96, pending as of 7-22-96 SB 472	Teachers forbidden to exercise corporal punishment, except when needed to maintain order		Requires the intake officer to notify the division superintendent whenever a juvenile is arrested and charged with a delinquent act involving death, weapons, drugs, assaults, woundings, arson, or burglary Codifies a Virginia Supreme Court decision by granting immunity from civil damages to public school teachers when acting in good faith within their scope of employment while supervising, caring for or disciplining students, unless the acts or omission were the result of gross negligence or willful misconduct Same wording as above, ends at "employment"

Compiled by the ECS Information Clearinghouse.

Clearinghouse NOTES . . . . . DISCIPLINE

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TRANSFER OF STUDENT RECORDS

State	Legislation	Enacted	Who informed	Who must inform	Notes
AL	16-1-24.	82	unspecified;	principals, teachers and other public school staff;	Must "make reports of violent disruptive incidents occurring on school property during school hours or during school activities conducted on or off school property after school hours or at any other time when such incident can be reasonably related to school or school functions and to provide for penalties for failure to report such incidents." Failure to make report is a Class C misdemeanor.
	16-1-24.1	94	superintendent of education; school board members, county sheriff	principals; superintendent of education;	Must report when local board of education policies regarding "drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person" are violated.
			"appropriate law enforcement officials;" other public schools in AL	principal; student's school	Student who commits any of above offenses not to be admitted to any other Alabama public school "until (1) criminal charges or offenses arising from the conduct, if any, have been disposed by appropriate authorities and (2) the person has satisfied all other requirements imposed by the local board of education as a condition for readmission."
AK					
AZ					
AR	SB 366	95	any school district	student's former school district	Expelled student prohibited from enrolling in another school district until period of expulsion has expired.
	SB 536	95	school	parent	Must indicate on school registration forms if child has been expelled or is a party to expulsion proceeding in another district.
	HB 1422	95	appropriate local law enforcement agency	principal of public school	Must report all assaults or other violent criminal acts committed against teachers.
CA					

State	Legislation	Enacted	Who informed	Who must inform	Notes
CO	SB 63	96	district;	district;	-School district authorized to transmit to another district discipline information regarding a transfer student.
			any teacher or counselor who has direct contact with the student	principal	-Must communicate discipline information concerning any student to any teacher or counselor who has direct contact with student. -Districts must identify students who are at risk of suspension or expulsion and provide services to help students avoid expulsion. Once student is expelled, district must take certain action to assure that student is receiving educational services from some source.
CT	PA 94-221, SB 292	94	school officials	police	Sets procedures for court-imposed conditions of probation for youthful offenders and delinquents involving school conduct and attendance. Parents must be notified of school discipline policies.
	PA 95-304, sHB 6898	95	superintendent;	police;	Must notify upon arrest for misdemeanor of any 7-20-year-old student. Police must notify superintendent upon arrest of student for felony.
			police	unspecified	Must be notified of student found in possession of weapon on school property.
DE	HB 651	96	parent or legal guardian		Notified if the pupil is the victim of criminal conduct or if pupil is found to possess a controlled substance, dangerous instrument or deadly weapon on school property.
	HB 249	95	Department of Public Instruction;	local school district;	Crimes of assault or an extortion against another student by students in kindergarten through grade 3.
			Department of Public Instruction and the Youth Division of the Del. State Police	local school district	Crimes involving weapons and unlawful drugs
FL	HB 2505, section 61	95			"The Department of Education, the Department of Juvenile Justice, and the Department of Law Enforcement shall create an information-sharing workgroup for the purpose of developing and implementing a workable statewide system of sharing information among school districts, state and local law enforcement agencies, providers, the Department of Juvenile Justice, and the Department of Education...The information to be shared shall focus on youth who are involved in the juvenile justice system, youth who have been tried as adults and found guilty of felonies, and students who have been serious discipline problems in schools."

State	Legislation	Enacted	Who informed	Who must inform	Notes
GA	20-2-751.2. (b)	95	Board of education;	unspecified;	"A local board of education which has a student who attempts to enroll or who is enrolled in any school in its school system during the time in which that student is subject to a disciplinary order of any other school system is authorized to refuse to enroll or subject that student to short-term suspension, long-term suspension or expulsion for any time remaining in that other school system's disciplinary order upon receiving a certified copy of such order if the offense which led to such suspension or expulsion in the other school was an offense for which suspension or expulsion could be imposed in the enrolling school."
	(c)		local school system	local school system	May ask if student seeking enrollment in new system had disciplinary order taken against them in former system. "If such an order has been imposed and is still in effect for such student, the requested system shall so inform the requesting system and shall provide a certified copy of the order to the requesting system."
	20-2-765.	95	student's parent or guardian	principal	Must notify "by certified mail with return receipt requested, by first-class mail, or by telephone call" of student's [chronic] discipline problem, invite to observe student in class "and request at least one parent or guardian to attend a conference with the principal or teacher or both to devise a disciplinary and behavioral correction plan."
	SB 156	95			Relates to juvenile proceedings, so as to provide for public access to certain juvenile court hearings and records; provides for the sharing and use of information on juvenile arrests and court proceedings between appropriate public and school agencies.
HI	296-71	85	"appropriate authorities"	school employee	Must report criminal activity which has occurred or will occur on school property during school hours or at school-sponsored activity. Disciplinary action will be taken against school employees who fail to report criminal incidents; school boards must "[e]stablish procedures for disposing of any incident reported."
ID	SB 1024	95	student's new district	student's former district	District may review the record of a student who has been expelled from another district before deciding whether or not to enroll the student.
IL	HB 3052	96	student's new school district	student's former school district	A student who is suspended or expelled for possession of a weapon or drug possession, sale, or delivery or for battering a staff member of a school and who thereafter transfers to another school district shall not be permitted to attend school in the latter district until the period of suspension or expulsion expires.

State	Legislation	Enacted	Who informed	Who must inform	Notes
IL	HB 36	95	appropriate school authorities	unspecified	Allows for the dissemination of criminal records to appropriate school authorities.
IN	SB 631	95	district	unspecified	Permits suspension of a student who commits a violent act in the community until disposition of the case by a juvenile or criminal court.
IA	HF 2383	94	student's new district	student's former district	Authorizes the sharing of certain information between schools regarding students who seek to transfer
KS	HB 2768	94	student's new district	student's former district	Districts allowed to refuse enrollment to students expelled from other districts.
KY		94	student's new school;	student's parent or guardian;	When student adjudicated guilty of "homicide, assault," or weapons, alcohol, or drug charges or expelled from another school, parent or guardian must make sworn statement relating this to new school.
					Records of student expelled for any of above charges must indicate charges.
			"local police department, sheriff or Kentucky State Police";	"administrator, teacher or other employee of a public or private school;"	Must promptly report knowledge or reasonable suspicion of possession of weapon or drugs, or felony on or within 1,000 feet of school property, in school vehicle, or at school-sponsored activity.
	HB 35	96	school authorities	courts	Permits sharing of juvenile court records relating to drugs and violence with school authorities; prohibits public disclosure;class A, B, or C felony or other offense in which a firearm was used to be made public; relates to the confidentiality of juvenile records to exempt records provided to schools if no public disclosure is made.
LA					
MD	Chapter 112 1995 Acts of Maryland Assembly	95	local superintendents	law enforcement officials	Must be notified within 24 hours if students in their districts are arrested for violent crimes.
		96	child's new school;	child's former school;	Must share information about expelled students. Before returning a disruptive student to class, a principal will have to consult with the teacher who referred him for discipline. The law also makes parents liable for up to $2,500 in restitution for property damage caused by their children.
	COMAR (state board policy) 13A.08.01	95	principal;	district superintendent;	Must inform "of an arrest of a student for a reportable offense."
			"appropriate staff members";	principal;	To create educational plan for offender

State	Legislation	Enacted	Who informed	Who must inform	Notes
MD (cont'd)			parent or guardian;	principal;	To inform parent or guardian of plan.
	COMAR 13A.08.01.17	95	superintendent of schools	unspecified	Requires the disclosure, under certain circumstances, of a police record and a juvenile court record concerning a student
MA					
MI					
MN					
MS	HB 534	95	private school officials	public schools	Requires the permanent record and cumulative folder of any expelled public school student to contain the date of and reason for the expulsion. Requires a student's permanent record to maintain an active status after the student has been expelled. Provides private school officials with access to the cumulative folders of public school students transferring to a private school. Authorizes the State Dept. of Education to establish a central reporting system concerning expulsions.
MO	Safe Schools Act	96			Ensures the records of violent behavior follow students from school district to school district.
MT					
NE					
NV	AB 192	94	school's chief administrative officer	law authorities	Board of trustees of each school district must state conditions under which a school's chief administrative officer is notified about an arrest.
NH					
NJ					
NM	SM 49	94	student's new school	student's former school	Requests that students who have been expelled for demonstrating serious or violent behavior in the school environment be denied the privilege of enrolling at other public schools until they have served the expulsion period designated by the public school in which they were enrolled.
NY	AB 8320	95	police	school administrators	Must be notified when students found with firearms on school property. Disabled students exempt.
NC					
ND					
OH	HB 64	95	student's new district	student's former district	Districts allowed to deny admission to student who has been expelled by another district until the expulsion period expires.
OK	HB 1038	95	unspecified	unspecified	Students adjudicated as delinquent or convicted as an adult for a violent offense may be refused public education in the regular school setting.
OR	SB 1159	96	student's new district	student's former district	District may deny admission to regular school and alternative programs to student expelled from another district.

State	Legislation	Enacted	Who informed	Who must inform	Notes
PA	13-1317.2.	95	"local law enforcement officials";	"school superintendent or chief administrator;"	Must report weapon possession on school property, in school vehicle or at school-sponsored activity.
			Department of Education	"school superintendent or chief administrator"	Must report "all incidents relating to expulsion for" weapon possession on above grounds.
RI					
SC	HB 3550	94	police	school administrators	When criminal conduct occurs on school property or at a school-sanctioned or school-sponsored activity.
SD					
TN	SB 2116	96	unspecified	principals and their designees	Provides access to records of juveniles in the custody of the state of Tennessee who are attending public schools.
TX					
UT					
VA	22.1-280.1.	96	principal, local law-enforcement agency, superintendent, parent of student involved, Department of Education;	principal, superintendent;	To be informed about (1) attacks, shootings, woundings (2) drug activity (3) threats against personnel, and (4) carrying of firearm on school property. Information on offenses on school property to be made available to the public. All school boards must develop crime and violence prevention programs.
	HB 570	96	local school board	another school division or private school in VA or another state	Allows boards to exclude from attendance for 365 calendar days those students who have been expelled for violations of school board policies related to destruction of property, weapons, alcohol or drugs.
VT					
WA					
WV	49-5-17	96	"certain school officials"	circuit court	Certain juvenile criminal records can be disclosed, if offense committed would be crime if committed by adult and includes violence, controlled substance possession and/or possession of deadly weapon. Records received by school official must be kept "absolutely confidential...and nothing contained within the juvenile's records shall be noted on the juvenile's permanent educational record."

State	Legislation	Enacted	Who informed	Who must inform	Notes
WV (cont'd)			teacher, school bus driver, and/or any other "adult within the school system who, in the discretion of the school official, has the need to be aware of the contents of those records";	principal	With a written request "and pursuant to a written order," the circuit court may disclose juvenile criminal records to named certain others.
			Juvenile's new school, if in-state, perhaps if out-of-state	circuit court	
WI	AB 57	95	student's new school district;	student's former school district;	No school district is required to enroll a pupil during the term of his or her expulsion from another district. If an expelled student seeks to enroll in another public school district, upon the request of that school board, the pupil's former school district must provide it with a copy of the expulsion findings and order, a written explanation of the reasons why the pupil was expelled and the length of the term of the expulsion.
	AB 130	95	school district administrator	law enforcement agency;	May disclose information relating to the act for which the juvenile was adjudged delinquent. Peace officer's records may not be used as the sole basis for expelling or suspending a student.
			law enforcement and social welfare agencies	school board	Permitted and required to disclose different pupil records for investigation and treatment.
	AB 609	96	student's school district administrator	unspecified	Relates to the disclosure of certain law enforcement agency records that relate to a child to the child's school district administrator.
	AB 1144	94	unspecified	unspecified	Authorizes a school board to suspend or expel a pupil from school for conduct while not at school or while not under the supervision of a school health, or safety of any employee or school board member of the school district in which the pupil is enrolled.
WY	SF0083B	94	district	district	Expressly authorizes school districts to refuse admission to students suspended or expelled by other districts located within or outside of the state.
	SF 0037	95	district attorney	district superintendent	Must notify of student's possession of weapon on school property.

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Clearinghouse NOTES . . . . . DISCIPLINE

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Zero Tolerance/Gun Control

In October of 1994, President Clinton signed into law the Gun-Free Schools Act as part of the Improving America's Schools Act. The law mandates that each state have in effect, within one year, a calendar-year mandatory expulsion policy for any student determined to have brought a weapon to school. Compliance with the federal mandate enables states to continue to receive federal funds under the Elementary and Secondary School Act of 1965. The Gun-Free Schools Act has the following guidelines:

* Local school districts must develop an expulsion policy consistent with the required state law.
* The one-year expulsion policy does not waive due process rights for students.
* State law must make provisions for the district "chief administering officer" to alter the policy on a case-by-case basis.
* District-level expulsion policy must include a "referral policy," in which criminal and/or juvenile justice systems are notified of student weapons violations.
* Weapons are defined in the federal act as guns, bombs, grenades, rockets and missiles. Knives and common fireworks are excluded from the federal act, although state laws may broaden the definition to includes knives.

States with laws in compliance with the federal Gun-Free Schools Act:

Alabama	10/95	Kentucky	3/96	North Dakota	4/95
Alaska	5/95	Louisiana	6/95	Ohio	7/95
Arizona	'95	Maine	'93	Oklahoma	8/95
Arkansas	3/95	Maryland	3/96	Oregon	7/95
California	10/95	Massachusetts	'93	Pennsylvania	'95
Colorado	'93	Michigan	1/95	Rhode Island	'95
Connecticut	'95	Minnesota	'95	South Carolina	'95
D.C.	6/96	Mississippi	3/95	South Dakota	8/96
Delaware	7/95	Missouri	5/95	Tennessee	5/95
Florida	6/95	Montana	4/95	Texas	'95
Georgia	'95	Nebraska	6/95	Utah	'95
Hawaii	5/95	Nevada	'95	Vermont	4/95
Idaho	5/95	New Hampshire	11/95	Virginia	4/95
Illinois	8/95	New Jersey	1/95	Washington	'95
Indiana	5/95	New Mexico	5/95	West Virginia	3/95
Iowa	'95	New York	7/95	Wisconsin	12/95
Kansas	5/95	North Carolina	6/95	Wyoming	5/95

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Zero Tolerance/Gun Control – Detailed Version

St	Status	Summary
US	Enacted 10/94	The United States Department of Education issued guidelines on the federal Gun-Free Schools Act to state governors and chief state school officers. The law was enacted on October 20th, 1994 as part of the Improving America's Schools Act of 1994 (PL103-382). It requires each state receiving funds under the Elementary and Secondary School Act of 1965 (ESEA) to have in effect, by October 20th, 1995, a state law mandating the expulsion from school for a period of at least one calendar year any student who is determined to have brought a weapon to school. The information below was provided by the general counsel's office at the National School Boards Association. Among the Department's guidelines are the following: * Private schools are not subject to the act. * In order to be eligible for ESEA funds, local school districts must have an expulsion policy consistent with the required state law. * The one-year expulsion requirement does not allow school districts to waive due process rights for students. * State law must allow the chief administering officer of each local school district to modify the one-year expulsion requirement on a case-by-case basis. "Chief administering officer" is not defined in the act and may mean either the superintendent or the school board. * In its application to the state for ESEA funds, each local school district must include a description of the circumstances surrounding each one-year expulsion and must include in its policy a requirement that students expelled for weapons violations be referred to the criminal justice or the juvenile justice system. That portion of the mandate is referred to as the "referral policy." * The case-by-case exception requirement may not be used to avoid overall compliance with the one-year expulsion requirement. * The term "weapon" does not include knives or common fireworks. The state law implementing the federal act may use a broader definition of weapon that does include knives. The federal law definition of weapon does include guns, bombs, grenades, rockets and missiles.
AK	Enacted 5/95	Increases the penalty for possessing a deadly weapon on school grounds and mandates the expulsion of a student for at least one year for the possession of a firearm on school grounds. (Information Exchange 5/19/95) Title: HB 28 Possession of Deadly Weapon on School Grounds Source: Alaska Department of Education
AL	Enacted 5/94	Provides for a Class C felony charge against certain persons in possession of a weapon while on the premises of a public school. (Legislative Link, First Special Legislative Session 1994) Title: S 72 (Act 94-817) Possession of a Weapon on School Premises Implemented 05/17/94 Source: Alabama State Department of Education, Division of Legislative Services

St	Status	Summary
AL	Enacted 10/95	To require local boards of education to develop and implement local policies and procedures requiring the expulsion of students, for a period of one year, who have brought to school or have in their possession a firearm in school buildings, on school grounds, on school buses, or at any other school sponsored function. Title: Act 95-756, SB 249 Gun Control Source: Legislative Reference Service of Alabama
AL	Proposed 2/96	Both bills provide that students who are found to be in possession of illegal drugs, alcohol, or deadly weapons on a school campus would be expelled for one school year; provides that the students would not be eligible to attend any public schools in this state; provides that expelled students may be allowed to attend alternative schools. The difference between the bills is HB 199 states the parents of the students will be notified of the expulsion, whereas SB 245 states parents and law enforcement agencies will be notified of the expulsion. Title: HB 199/SB 245 Expulsion for One Year Author: Morrow Source: State Net
AR	Enacted 3/95	Requires that students who bring firearms or other weapons upon a school campus be expelled for not less than a year, thus conforming with federal requirements. Title: SB 438 Safety Author: Mahony Source: State Net
AZ	Enacted '95	Requires school district or charter school to expel from school for a period of not less than one year a student who is determined to have brought a firearm to a school within the jurisdiction of the school distirct or the charter school. The school district or charter school may modify this expulsion requirement for a student on a case by case basis. Title: §15-841 G Suspension and Expulsion of Students Source: Arizona Revised Statutes
CA	Enacted 10/95	Requires the governing board of a school district to set a date of one year from the date expulsion occurred when a pupil expelled for possessing a firearm may apply for re-admission. Title: CA AB 49 Possessing A Firearm Expulsion Author: Hawkins Source: State Net
CA	Enacted 3/96	Requires the government board of a school district to set a date of one year from the date the expulsion occurred when a pupil expelled for possessing, selling, or otherwise furnishing a firearm at school or at a school activity may apply for readmission, except that the governing board is authorized to set an earlier date on a case-by-case basis. Title: AB 1489 Expulsion of a Pupil From School for Possessing Firearm Author: Hawkins Source: State Net
CO	Enacted '93	Mandatory expulsion for having a gun at school. Other school districts need not accept students expelled for this offense.
CT	'95	C.G.S.A. Sec. 53a-217b reads "Possession of a weapon on school grounds: Class D felony. (a) A person is guilty of possession of a weapon on school grounds when he possesses a firearm or deadly weapon (1) in or on the real property comprising a public or private elementary or secondary school.
DE	Enacted 7/95	House Bill No. 171 Amends Title 11, Chapter 5, Subchapter VII, Subpart E of Delaware Code. (Section 1457, (i)(D). If a person is convicted of Possession of a Weapon in a Safe School and Recreation Zone, and the person is an elementary or secondary school student, the student shall be expelled by the local school board for a period of not less than 180 days.

St	Status	Summary
DC	6-96	"Expulsion of Students Who Bring Weapons Into Public Schools Emergency Declaration Resolution of 1996" (Resolution 11-380, Council of the District of Columbia). Because of Congressional review requirements and Congressional recesses, DC would have been unlikely to have permanent law on books in time for October 20, 1996 federal compliance. This resolution by Council met that deadline.
FL	Enacted 6/95	Requires the school board to adopt rules for expulsion for at least one year of a student convicted of a forcible felony involving the use or threat of physical force or violence against an educator, as defined. Requires notice in the code of student conduct relating to such expulsion. Provides enhanced penalties for committing or attempting to commit a forcible felony. Title: Florida Code Ch. 95-267 Author: Lacasa Source: State Net
GA	Enacted '95	Each local board of education shall establish a policy requiring the expulsion from school, for a period of not less than one calendar year of any student who is determined to have brought a weapon to school.
HI	Enacted 5/95	Enabling legislation passed by the legislature allows Hawaii's school superintendent to modify this exclusion on a case-by-case basis, and requires the superintendent to provide alternative education, if necessary and appropriate. Title: SB 647, HD 2 Violence in the Schools Source: Senate Majority Office
HI	Proposed 1/96	Establishes a statewide zero tolerance policy of exclusion from public school for students who possess any weapons on school grounds. Requires alternative education programs. Requires a report by the superintendent of education to the board of education and the legislature including the name of the school, the number of exclusions and type of violations involved. Title: SB 2500 Zero Tolerance Policy Author: Chumbley Source: State Net
IA	Enacted '95	All school districts are to have a mandatory one-year expulsion policy for students determined to have brought a weapon (firearm) to school property. This expulsion policy may be modified on a case-by-case basis by the district supervisor. IA Code CH. 191, Sec, 23, 280.21B
ID	Enacted 5/95	Fulfilled requirements for the state to receive federal funds under the Gun-Free Schools Act by insuring that any student who brings a weapon to school shall be expelled for at least one year. Title: SB 1189aa Gun Free Schools Source: Idaho Legislative Services
ID	Enacted 3/95	Relates to discipline of students carrying concealed firearms on school property. Requires the board of trustees of a school district to expel a student carrying a concealed firearm on school property and to provide for immediate suspension. Provides for expulsion a student carrying a concealed fireman on school property and to provide for discipline of students with disabilities. Title: SB 1189 Student Discipline Author: Committee on Education Source: State Net
IL	Enacted 8/95	Allows the school board to expel a student for not less than one school year and up to two school years for bringing a weapon onto school property. Requires expulsion or suspension to be construed consistent with the Federal Individuals with Disabilities Education Act. Allows review on a case-by-case basis, and permits referral to alternative schools. Title: HB 780 Expulsion for Bringing a Weapon to School Source: The Legislature and the Schools, IL State Board of Education, 8/95 Implemented 01/01/96

St	Status	Summary
IN	Enacted 5/95	Mandates expulsion from school for one year for possession of a firearm on school property. Permits expulsion for one year for possession of other deadly weapons on school property. Permits suspension of a student who commits a violent act in the community until disposition of the case by a juvenile or criminal court. Title: SB 631 Expulsion Author: Sinks Source: State Net
KS	Enacted 5/95	SB 317 required school district and certain accredited non public school governing boards to adopt a written policy providing for expulsion of a pupil for at least one year for possession of a weapon at school, on school property, or at school-supervised activity. Title: SB 317 Expulsion of Pupil for One Year Author: Committee on Education Source: Kansas Legislative Research Department
KY	Enacted 3/96	Requires local school districts to adopt a policy to expel for a period of one year, students who bring weapons to school and to determine the violation in accordance with the definition stated in KRS 527.070; authorizes the local school district to modify the penalty of expulsion on a case-by-case basis and to provide alternative educational programs for expelled students. Title: HB 80 Expulsion for One Year Author: Curd Source: State Net
LA	Enacted 6/95	Relates to gun free schools; requires a one year expulsion of students, regardless of age, found guilty at a school hearing for the possession of a firearm on school property; provides for related matters. Title: SB 842 Gun Free Schools Author: Picard Source: State Net
MA	Proposed 6/95	Increases the penalty for possession of a firearm within one thousand feet of a school. Earlier legislation (1993) allows students to be expelled for having weapons in schools. Title: HB 5210 Possession of a Firearm Source: State Net
MD	Enacted 6/95	Accordingly, the General Assembly acted favorably on legislation to ensure continued federal funding of more than $100 million. SB 145 requires a county superintendent to expel a student for a minimum of one year if the student has brought a firearm onto school property. The county superintendent may specify, on a case-by-case basis, a shorter period of expulsion or an alternative educational setting, if alternative educational settings have been approved by the county board, for the student. Title: SB 145, chapter 347 Federal Elementary and Secondary Education Act Source: Department of Legislative Reference
MD	Enacted 3/96	Adopts regulations requiring expulsion for a minimum of one year for a student who has brought a firearm onto school property and enabling local superintendents on a case-by-case basis to specify a shorter period of expulsion or an alternative educational setting. Title: COMAR 13A.08.01.12-1 Expulsion for Firearms Author: Board of Education Source: State Net

St	Status	Summary
ME	Enacted '93	Following a proper investigation of a student's behavior and due process proceedings, if found necessary for the peace and usefulness of the school, they shall expel any student: (A) who possesses on school property a firearm without permission of a school official; (B) who, with use of any other dangerous weapon intentionally or knowingly causes injury or accompanies use of a weapon with a threat to cause injury. Student may be readmitted on satisfactory evidence that the behavior that was the cause of the student being expelled will not likely recur. The school board may authorize the principal to suspend students up to a maximum of 10 days for infractions of school rules. In addition to other powers and duties under this subsection, the school board may develop a policy requiring a student who is in violation of school substance abuse or possession rules to participate in substance abuse services. (ME Revised Statutes Annotated Vol. 11, Title 20, 20-A, 1994 Cumulative Pocket Part) Title: 20-A 1001 Students Expelled or Suspended Source: Maine Revised Statutes Annotated
MI	Enacted 1/95	Michigan law requires that students carrying guns on school grounds be automatically expelled. Gov. Engler said the law, which does not establish alternative schooling for gun-toting students, was necessary to protect law abiding students and teachers. Under the law, prosecution and conviction is not necessary to impose the expulsion, which also applies to students committing rape or arson at school. Students who are expelled can request a hearing to be readmitted, but cannot attend school in the meantime. Title: Michigan Gun Law Means Automatic Expulsion Source: Education Week 1/11/95
MO	Enacted 6/95	This bill requires public school districts to suspend for at least one year any student who brings a firearm to school. The chief officers of school districts are permitted to modify these suspensions on a case-by-case basis and school districts are not prohibited from offering alternative education programs to suspended students. Title: HB 345 Firearms in School Source: House of Representatives, Summaries of Truly Agreed to and Finally Passed Bill
MN	Enacted '95	Minnesota law requires that a student determined to have brought a firearm on school premises shall be subject to a calendar year suspension. M.S.A. 127.282
MS	Enacted 04/95	Weapons; clarifies prohibition against possession by students. Title: SB 2500 Possession of Weapons Author: Turner Source: State Net
MS	Enacted 03/95	Any student in any school who possesses any controlled substance in violation of the Uniform Controlled Substances Law, a knife, handgun, other firearm or any other instrument considered to be dangerous and capable of causing bodily harm or who commits a violent act on educational property as defined in Section 97-37-17, Mississippi Code of 1972, shall be subject to automatic expulsion by the superintendent or principal of the school in which the student is enrolled. Such expulsion shall take effect immediately subject to the constitutional rights of due process, which shall include the student's right to appeal to the local school board. Title: SB 2947 Expulsion Author: Musgrove Source: State Net
MT	Enacted 4/95	Establishes individual licensure for lawful possession of a firearm (a person who has not been convicted of a violent, felony crime and who is lawfully able to own or to possess a firearm under the Montana Constitution) for the purpose of the Federal Gun-Free School Zones Act of 1990. Title: HB 332 Possession of Firearms Author: Clark Source: State Net

St	Status	Summary
MT	Enacted 5/95	Requires every school board to have a policy for the expulsion for one year of a student who brings a firearm to school. Title: HB 167 Expulsion of Students with Firearms Source: Legislative Council
NC	Enacted 6/95	Amends GS 115C-391 to (1) permit expulsion of student 14 years or older who had been adjudicated delinquent for committing offense that would be felony if committed by adult and (2) to require suspension of 365 days for any student who brings a firearm onto school property. (DPI Review 1/95) Title: S. 51, Remove Dangerous Students From School Source: NC Department of Public Instruction
ND	Enacted 4/95	Provides for the expulsion of a student for bringing a firearm onto school property. Title: HB 1178 Student Expulsion Author: Carlisle Source: State Net
NE	Enacted 6/95	Relates to the Student Discipline Act; changes provisions for alternative educational placement; eliminates reimbursement provisions; changes provisions relating to expulsion and grounds for discipline; requires a policy relating to firearm violations. Title: L 658 Student Discipline Act Author: Pirsch Source: State Net
NH	Passed 11/95	Provides minimal standards for local enforcement relative to discipline and due process in safe school zones, including discipline of a pupil who possesses or brings a dangerous weapon in a safe school zone. Title: Discipline and Due Process in Safe School Zones (Ed 317) Source: State Net
NJ	Enacted 1/95	Alternative education programs for potentially dangerous students are expected to be in most of New Jersey's 21 counties by the end of the month under a "safe schools" initiative. The Assembly last month passed another provision of the plan that would mandate a one-year suspension for students who bring firearms to school or are convicted of a firearms offense. About half of the alternative programs have been established at community colleges; others will operate out of vocational technical centers, separate schools, or, at a minimum, school wings that segregate the potentially dangerous students from others. Title: Alternative Education Programs Source: Education Week 1/18/95
NM	Enacted 5/95	Among its provisions, it enacts a new section of the Public School Code requiring each school district to adopt a policy providing that a student who knowingly brings a weapon to school will be expelled for at least one year. (The Advocates's Voice 5/95, Vol. 8, No. 6) Title: H 274 Weapon Free Schools Source: National Education of New Mexico
NV	Enacted '95	Nevada law provides for "any pupil who is found in possession of a firearm while on the premises of any public school must ... be expelled from the school for a period of not less than one year." A second occurrence leads to a permanent expulsion, although there are provisions for alternative education. Sec. 392.466
NY	Enacted 7/9	The Senate passed a bill which would bring New York State schools into conformity with that federal standard, providing further that the suspended pupil and a person in a parental relation to that pupil could request a formal conference with the principal to discuss the matter. School superintendents would have the power to modify the suspension of each student on a case-by-case basis. Title: S. 4140 Zero Tolerance Policy Author: Cook Source: Senate Education Committee

St	Status	Summary
NY	Enacted 7/95	Students caught bringing guns to school must be suspended for at least a year under legislation that Governor Pataki signed. The new law, which will be applied beginning this fall, also requires school administrators to notify the police or other law enforcement authorities when students are caught with guns on school grounds. Disabled students will be exempt from the tougher new rules. Also, superintendents will have some discretion to reduce penalties for students found to have mitigating circumstances. Title: AB 8320 Law Requires Suspending Students With Guns Source: New York Times 7/30/95
OH	Enacted 7/95	Requires the expulsion for one calendar year of students who bring weapons to school, and allows school districts to deny admission to a student who has been expelled by another district until the expulsion period expires. (Legislative Report 7/17/95) Title: HB 64 Expulsion of Students Author: Krebs Source: Ohio School Boards Association
OH	Proposed 2/96	Permits expulsion of students for up to one year for possessing a firearm or knife on school property, to authorize school districts within certain limits to temporarily deny admittance to students expelled from an out-of-state school during the remainder of the expulsion period, to permit an expulsion to be extended for the remainder of a school year if the expulsion would otherwise terminate within 15 days of the end of the school year. Title: HB 602 Expulsion for One Year Author: Taylor Source: State Net
OK	Enacted 8/95	Provides that any student who carries a gun to school must be suspended for a period of time to be determined by the local school board. The act applies to any student found in possession of a firearm while on any public school property, in any school bus or any other vehicle used by a school to transport students or teachers. Title: SB 38 Possession of Firearms on School Property Source: Research, Legal & Fiscal Divisions 1995 Session Highlights
OR	Enacted 7/95	Allows public schools more latitude in student suspension and discipline. Allows a school superintendent to request that the driving privileges of the student be canceled for serious offenses such as bringing a weapon to school, assault, harassment, menacing, use of threats or intimidation. Allows teachers to consider attendance when determining grades. Allows student to be expelled for one calendar year for bringing weapons to school. Title: HB 2487A Discipline and Suspension of Students Author: Oakley
OR	Passed 2/96	Requires school districts to expel students who bring weapons to or possess, conceal or use weapons at educational related activities. Allows exceptions. Allows school district to deny admission to regular school and alternative programs to student who is expelled from another district. Title: SB 1159 Expulsion of Students Bringing Guns to School Author: Committee on Crime & Correction Source: State Net

St	Status	Summary
PA	Enacted '95	School district or vocational-technical schools required to expel any student who brings weapon onto any school property, any school-sponsored activity or any public conveyance providing transportation to school or school-sponsored activity (expulsion period for a period of not less than one year). Requires districts and vocational schools to develop written policies regarding expulsion and possession of weapon. Does not preclude schools from offering alternative program to expelled student. Weapon possession must be reported to law enforcement officials and the Department of Education. Title: Act of 1995, No. 26. Section 4. Section 1317.2. Possession of Weapons Prohibited, Safe Schools Legislation Source: Public School Code of 1949 OMNIBUS AMENDMENTS
RI	Enacted '95	§16-21-18. Students prohibited from bringing or possessing firearms on school premises. Penalty for bringing or possessing a weapon is suspension for one year. Also applies to students aiming a firearm or replica at a school, school vehicles or students, staff, or visitors attending school or in transit to or from school. Allows for case-by-case examination.
SC	Enacted '95	The district board, per §59-63-235, must expel for no less than one year a student who is determined to have brought a firearm to a school or school function. The one-year expulsion is subject to modification by the district superintendent.
SD	Effective 8/96	Code section 13-32-4 reads "If a students has intentionally brought a firearm onto school premises, the expulsion may not be for less than twelve months. However, the superintendent or chief administering officer of each local school district ... may increase or decrease the length of a firearm related expulsion on a case-by-case basis."
TN	Enacted 5/95	Prohibits student from possessing unauthorized firearms on school property. Title: HB 1790/SB 1778 Firearms on School Property Author: Davis Source: State Net
TX	Enacted '95	Actually enacted prior to 1995, but entire education code was dramatically revised. In accordance with federal law, schools required to expel for one year students who bring firearms to school or school activities. 37.007(d)
UT	Enacted '95	A student shall be expelled, for not less than a year, for possession, control, or actual or threatened use of a weapon. The district superintendent may determine, on a case-by-case basis, that an alternative or lesser punishment is more appropriate.
VA	Enacted 4/95	Requires, in compliance with the federal Improving America's School Act of 1994, that school boards expel from school attendance for not less than one year any student who is determined by the school board to have brought a firearm onto school property or to a school-sponsored activity. Based on the facts of the particular case, school boards may determine that special circumstances exist and another disciplinary action or term of expulsion is appropriate. (bill summary) Title: HB 1614, Chapter 724 22.1-277.01 Gun Free Schools Act Author: Cooper Source: Commonwealth of Virginia Division of Legislative Services
VA	Enacted 4/95	Requires school boards to expel any student from school attendance for 365 calendar days who brings a firearm onto school property or to any school-sponsored activity. School boards may determine, however, based on each particular circumstance, that another disciplinary action or term of expulsion is more appropriate. School boards are also authorized to require that such student attend an alternative educational program. (Became law without the Governor's signature) Title: SB 874 Expulsion Author: Norment Source: State Net

St	Status	Summary
VA	Enacted 3/96	Relates to allowing local school boards to exclude from attendance for 365 calendar days those students who have been expelled by another school division or private school in Virginia or another state for violations of school board policies related to destruction of property, weapons, alcohol, or drugs. Title: HB 570 Students Expelled by Another School Author: Cooper Source: State Net
VA	Proposed 1/96	Provides that, when the facts of the particular case reveal that special circumstances exist and another disciplinary action or term of expulsion is appropriated, school boards must consider the following: past weapon violations, student achievement, the location and type of weapon. Determines violation by careful review of the law; determines penalties for water guns; requires expulsion of 365 days for bringing a weapon to school, unless changed by the school board. Title: HB 1530 Determining Penalties for Violations Author: Grayson Source: State Net
VT	Enacted 04/95	Requires that a school board adopt policies regarding possession of a weapon, in school in order to comply with the federal Gun-Free Schools Act of 1994; requires policies to include expulsion for one year and reporting of the incident to a law enforcement agency if a student brings a weapon, as defined in the federal act, to school. Title: HB 506 Zero Tolerance Policy Author: Committee on Education Source: State Net
WA	Enacted '95	Any elementary or secondary school student who is determined to have carried a firearm onto, or to have possessed a firearm on school property, shall be expelled for not less than one year under RCW 28A.600.010. The school district superintendent may modify the expulsion of a student.
WI	Enacted 12/95	Under this new law, the school board shall commence expulsion proceedings and expel a pupil from school for not less than one year whenever it finds that the pupil, while at school or while under the supervision of a school authority, possessed a firearm (as defined under federal law). The school board may modify this requirement on a case-by-case basis. Title: SB 113 Pupil Suspension or Expulsion Author: Petak and Turner Source: Wisconsin Association of School Boards
WV	Enacted 3/95	Students in WV who bring a gun, knife, or other deadly weapon to school will be expelled for one year under a "safe schools" measure approved by state lawmakers. Students who sell illegal drugs on school grounds also will face an automatic one year expulsion. The law, proposed by Gov. Gaston Caperton and passed this month, also gives school districts the authority to expel students for one year for drug possession. Schools will work with county and state officials to design alternative settings for students who are expelled. Title: Safe School Law Source: Education Week 3/22/95, p. 17
WY	Enacted 5/95	Mandates expulsion of students possessing, using, transferring, or selling deadly weapons on school property. School districts are required to expel students from school for a period of one year. In accordance with federal law, the district superintendent may modify the expulsion period on a case-by-case basis based upon the circumstances of the violation. Also in compliance with federal law, the district superintendent is required to notify the district attorney of the violation. Further, it is clearly stated the statutory provision does not prohibit a district from providing educational services in an alternative setting as required under federal law. Title: SF 0037 Deadly Weapons on School Property Source: Wyoming State Legislature

Compiled by the Information Clearinghouse

Clearinghouse NOTES . . . . . FINANCE

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FISCALLY DEPENDENT/INDEPENDENT SCHOOL DISTRICTS

School district budget and tax rate procedures vary among the states. Often, local school boards have authority for both developing budgets and levying taxes to support district budgets. When school districts can levy taxes to support public education, they are considered fiscally independent. This taxing authority varies from state to state. For example, some school boards may need voter approval for any tax increase while others may only need approval after a specified tax rate is surpassed.

In some instances, school boards do not possess independent tax authority. In these cases, another governmental entity — typically a municipal or county governing body — approves the budget and then levies taxes. When a school district cannot levy its own taxes, it is considered fiscally dependent.

Please note: The total number of school districts in a state may change periodically due to district consolidation or merging. Also, there may be differences in our numbers and those reported by a state depending on how fiscal dependence/independence is defined. If you find that, according to our definition listed above, our numbers are incorrect, please contact us.

STATE	TOTAL # SCHOOL DISTRICTS	FISCALLY DEPENDENT	FISCALLY INDEPENDENT
Alabama	127	127	0
Alaska	53	53	0
Arizona	226	4	222
Arkansas	315	0	315
California	1,002	1,002	0
Colorado	176	0	176
Connecticut	166	166	0
Delaware	19	0	19
Florida	67	0	67
Georgia	182	23	159
Hawaii	1	1	0
Idaho	115	0	115
Illinois	925	0	925
Indiana	294	0	294
Iowa	397	0	397
Kansas	304	0	304
Kentucky	176	0	176
Louisiana	66	0	66

STATE	TOTAL # SCHOOL DISTRICTS	FISCALLY DEPENDENT	FISCALLY INDEPENDENT
Maine	284	211	73
Maryland	24	24	0
Massachusetts	361	361	0
Michigan	560	0	560
Minnesota	395	0	395
Mississippi	149	149	0
Missouri	530	0	530
Montana	495	0	495
Nebraska	692	0	692
Nevada	17	17	0
New Hampshire	176	175	1
New Jersey	580	0	580
New Mexico	89	0	89
New York	691	5	686
North Carolina	120	118	2
North Dakota	260	0	260
Ohio	611	0	611
Oklahoma	554	0	554
Oregon	277	0	277
Pennsylvania	501	1	500
Rhode Island	37	37	0
South Carolina	91	28	63
South Dakota	178	0	178
Tennessee	139	139	0
Texas	1,052	0	1,052
Utah	40	0	40
Vermont	251	0	251
Virginia	137	137	0
Washington	296	0	296
West Virginia	55	0	55
Wisconsin	427	0	427
Wyoming	49	0	49

Source: Gold, Steven D. et al. (1995). *Public School Finance Programs of the United States and Canada 1993-94, Vol. I and II.* American Education Finance Association and Center for the Study of the States: The Nelson A. Rockefeller Institute of Government, State University of New York.

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STATE EDUCATION BUDGETS FOR FY 1997
(School Year 1996-97)

Note: The following chart contains a combination Governors' proposals and summaries of final action by legislatures on education related matters.

Source: ***Education Week***

STATE	FY 1997 K-12 BUDGET	PERCENT CHANGE IN K-12 BUDGET FROM 1996	COMMENTS
Alabama	$2.3 billion	+2.2 percent	• Total state budget figure includes all federal, state, and local funds that are deposited to the state treasury. State officials do not break funds down any further. • Legislature passed a 4% pay raise for K-12 teachers. • Education budget contains $28 million to finance school districts' plans to provide at-risk students with such services as before- and after-school programs, alternative programs, and parent education. Statewide funding for teacher training doubles to $5.2 million. • Legislation also passed several bills concerning juvenile justice. One allows school principals to petition juvenile courts to inspect and copy social, medical, and psychiatric or psychological records
Alaska	$656.4 million	-0.6 percent	• Officials estimate state may face a $400 million shortfall for fiscal 1997. That forecast anticipates lower oil revenues, which drive much of state's economy. • Lawmakers voted to continue $2.5 million in state transportation aid for schools, an item Gov. Knowles had proposed cutting. • Schools would receive $7 million in construction money above the $656.4 million allocated for basic school aid. • Governor signed a teacher-tenure-reform bill; measure requires teachers to spend three years in the classroom before acquiring tenure, up from current two years. Law will subject teachers and administrators to regular reviews based on performance standards agreed upon by state and local officials. Districts have until next July 1 to set standards.

STATE	FY 1997 K-12 BUDGET	PERCENT CHANGE IN K-12 BUDGET FROM 1996	COMMENTS
Arizona	$1.9 billion	+5.6 percent	• Total education spending for 1997 includes $50 million appropriated beyond the general-fund K-12 budget. That appropriation includes a $30 million grant-and-loan fund to help the poorest districts build or repair schools. Program responds to a 1994 state supreme court ruling that found the state's school-finance program to be unconstitutional because of vast disparities among districts in resources for construction, maintenance and equipment. Legislature also dedicated $13.7 million to cover increased costs incurred as the school-funding formula begins using current enrollment figures, which will be higher because the state's school-age population is growing. Remaining $6.3 million is earmarked for special education. • Most of the increase in K-12 education aid will be absorbed by enrollment growth anticipated for fiscal 1997. • Charter school funding would increase by $50 million to finance 46 existing charter schools and provide for up to 50 more in 1997. Officials underestimated the number of students who enrolled in charter schools in fiscal 1996. • Bill that would have limited K-3 classrooms to 17 students each died after clearing a House committee.
Arkansas	$1.4 billion	+5.3 percent	• Fiscal 1997 funding is second year of two-year budget approved by legislature last year. State board of education may apply surplus funds from fiscal 1996 to K-12 education in 1997 — a decision it will make when fiscal 1996 ends. • Beginning in fiscal 1997, Arkansas introduces new funding formula for state aid to local districts. Lawmakers approved formula change last year, after state supreme court ruled current formula unconstitutional. • New funding system includes about $21.6 million allocated to nudge per-student spending in poorest districts closer to that of wealthier districts. Another $20 million has been allocated to help poor districts manage their debts. • Funding for several K-12 categorical programs will also be channeled through new equalization formula. These include about $30 million allocated for training and grants for at-risk youths, about $124 million in teacher- retirement funds, and more than $50 million in transportation aid.

STATE	FY 1997 K-12 BUDGET	PERCENT CHANGE IN K-12 BUDGET FROM 1996	COMMENTS
California	$19.1 billion	+16.2 percent	• Budget includes $771 million for reducing class sizes to 20 students in early grades. Another $200 million was approved for additional space. Gov. Wilson also signed bill allowing alternative teacher credentialing so more instructors can be hired. • Lawmakers failed to put school-construction bond initiative on November ballot, despite arguments that more funds are needed to accommodate reduced classes. • Budget appropriates $200 million for early-childhood reading initiatives. • Lawmakers approved $5 million for 20 single-sex academies that will serve at-risk youths. • Gov. Wilson is expected to sign school-reform bill that would collapse 26 categorical programs into two broad school-improvement and staff-development initiatives funded at $530 million.
Colorado	$1.6 billion	+1.3 percent	• Legislature passed law designed to revamp state's juvenile-justice system, allowing children as young as 12 to be tried and sentenced as adults. Early in session, legislators killed part of the bill that would have eliminated mandatory school attendance. • Bills that would revamp the child-welfare portions of the Children's Code passed both houses but could not be reconciled before the end of the legislative session. Measures were sidetracked by a debate over parental rights in education and child welfare. • New law requires 3rd-graders to pass a reading-comprehension test or take remedial reading. • Legislature approved a "deaf children's bill of rights," which allows hearing-impaired students to be exempted from mainstreaming into regular classrooms.
Connecticut	$1.5 billion	+0.3 percent	• Figures reflect changes made last month to state's biennial budget, which lawmakers passed in April 1995. • Lawmakers rejected governor's proposal to reduce grants to local districts by $5 million for fiscal 1997. They also rejected his plan to merge departments of education and higher education, which he projected would save $1 million a year. • Legislature approved moving $11.3 million special education program for infants and toddlers to state's mental retardation department to reduce administrative burden on education department. • In final hours of its session, legislature approved measure that would allow up to 24 charter schools to operate in Connecticut beginning in 1997-98 school year.

STATE	FY 1997 K-12 BUDGET	PERCENT CHANGE IN K-12 BUDGET FROM 1996	COMMENTS
Delaware	$555 million	+4.7 percent	• Budget increases teacher salaries and pensions for school employees by 2%, or $11 million. • Legislature approved $2.6 million program to assist school districts in offering remedial services to underachieving students. • Budget includes $1.2 million for districts to maintain existing alternative schools while expanding crisis-prevention and discipline programs. • Budget funnels $650,000 into a professional-development fund for teachers and $400,000 into early childhood programs.
Florida	$6.1 billion	+8.9 percent	• In addition to $6 billion in spending allotted from state general fund in 1996-97, public schools anticipate $575.3 million from lottery revenues. That figure is down slightly from $580.2 million last year. • Combined state and local spending on K-12 education will rise by $631 million, or 6.4%. However, projected statewide enrollment increase of 61,833 students, to 2.37 million, leaves districts with an actual 3.6% increase in funding. • Adding Florida to ranks of states allowing charter schools, a new law will allow nearly 500 such schools statewide. • Gov. Chiles vetoed measure allowing voluntary, student-led prayer at some school functions. Lawmakers had included the prayer provision in a larger bill that included tougher graduation requirements.
Georgia	$4.0 billion	+8.1 percent	• Budget includes 6% pay raise for teachers. • Lawmakers modified plan championed by Gov. Miller and Linda Schrenko, the state schools superintendent, to cut the state education department staff by about a third. Independent agency will be created to run state's pre-kindergarten program. • Statewide ballot in November will carry a proposal to give districts authority to ask voters for a 1-cent sales tax to pay for school construction. • Legislature approved governor's proposal to require high school graduates who qualify for the state's college-scholarship program to maintain a B average in core courses.
Hawaii	$696 million	-3.6 percent	• Supplementary budget applies to second year of two-year process. Reduction takes into account across-the-board spending limits called for by the governor. • Legislature approved $1.8 million to cover classroom utility costs that were mistakenly underfunded last year. State education department says it still may be short $1.2 million for water and telephone costs. • Budget includes funds to hire 77 new teachers to accommodate growing enrollment in Hawaii's unique statewide school system. • New law increases from 10 to 92 days the suspension for students found with knives, drugs, or alcohol in school.

STATE	FY 1997 K-12 BUDGET	PERCENT CHANGE IN K-12 BUDGET FROM 1996	COMMENTS
Idaho	$689 million	+3.76 percent	• New budget includes a 2% raise for teachers and non-professional school employees and a 0.5% raise for administrators. It also includes $7 million for computer equipment, wiring schools and providing professional development in technology. • New teachers and teachers who have been employed less than five years will be required to pass criminal-background checks under a new law. • Under another new law, school dropouts under 18 cannot get a driver's license. • House and Senate passed separate versions of charter school legislation but could not agree on a compromise version. It is the third year in a row that charter school proposals have failed to pass.
Illinois	$4.2 billion	+7.5 percent	• Lawmakers did not seriously consider Gov. Edgar's plan to shift $1.5 billion in local property taxes to state-level taxes, an effort to equalize school funding. Governor's suggested $400 million increase in K-12 spending, however, did trigger legislative debate that provided substantial new funding for schools. • Lawmakers agreed on $291 million package of new spending; biggest part of new money is targeted for flat grants to school districts based on enrollment. • Legislature approved spending $15 million for new alternative schools and $15 million for expanded technology programs.
Indiana	$3.1 billion	+4.0 percent	• Legislature passed a measure allowing public access to questions on the state's student assessment, called ISTEP Plus. • Lawmakers also approved creation of a state literacy coalition.
Iowa	$1.4 billion	+6.0 percent	• Lawmakers passed property-tax-relief package that will send local schools $85 million in additional state aid, which will replace an equal amount of revenue that had been generated locally. • Governor signed five-year $150 million school-technology initiative. Funds will be allocated in annual installments of $30 million for teacher training and new equipment. • Legislators approved 3.5% increase in state school aid for fiscal 1998 and 1999. Unprecedented advance notice is intended to give school districts more time to plan their budgets. • Governor signed bill that expands tax credits for parents with children in private schools. Parents, regardless of income, can now count up to 10% of tuition and book expenses toward a tax credit of up to $100. • Legislature killed plan to add $1.2 million in supplemental aid for English-as-a-second-language instruction in K-12 schools, after opponents attached a provision that would have designated English the state's official language.

STATE	FY 1997 K-12 BUDGET	PERCENT CHANGE IN K-12 BUDGET FROM 1996	COMMENTS
Kansas	$2.0 billion	+0.5 percent	• After debating proposals to abolish statewide property-tax levy that supports public schools, legislature passed compromise measure that will cut the 35-mill levy by two mills in current fiscal year and by another two mills next year. • As part of school-finance package, legislature voted to retain a "local option" provision that allows districts to raise additional revenue through local property taxes. • Governor signed into law a measure requiring, for first time, that students meet minimum requirements to enter state universities, making Kansas one of last states to implement such a requirement.
Kentucky	$2.4 billion	+3.0 percent	• Under state's two-year budget, general fund spending is slated to rise to $5.56 billion in fiscal 1998, including $2.51 billion for K-12 education. • With increase in state's fiscal 1997 budget, lawmakers have urged local school administrators to approve 2.6% cost-of-living raises for teachers. Decision remains a local option, however. • State's 1996 budget includes $23 million in K-12 funds that will be returned to state treasury. That amount became a surplus in the state's school-finance program after state officials underestimated the rise in local property-tax appraisals. State's finance formula changes based on dips in local revenue. • Separate appropriation for state's school-facilities-construction commission will rise from $58.5 million this year to $60.6 million in fiscal 1997 and $64.2 million in 1998.
Louisiana	$2.0 billion	+5.9 percent	• Final K-12 budget includes $63 million to raise teacher salaries statewide. For first time, teacher pay raises will be included in state's basic school-aid formula. Raises will range from $750 to $1,200 depending on a school district's relative wealth. • State's controversial teacher-evaluation program would survive at least another year with $2.8 million, down from current $5.4 million. State funds will cover testing of beginning teachers only. Education department will review the program and recommend revisions or its abolition. • Legislature set aside $650,000 to develop the state's school-accountability initiative. A state panel has recommended providing rewards for high-performing schools and leveling sanctions at schools that fail to improve after state intervention.

STATE	FY 1997 K-12 BUDGET	PERCENT CHANGE IN K-12 BUDGET FROM 1996	COMMENTS
Maine	$548 million	+2.6 percent	• Legislature made no significant changes this year to state's biennial budget for fiscal 1996 and 1997, which lawmakers passed in July 1995. • State wrapped up its legislative session with about $1.6 million in leftover state education aid, a surplus that resulted from fluctuations in interest rates and a number of local school-bond referendums that failed. Lawmakers may use a special legislative session this summer to divide surplus among state's 284 districts. • Governor signed into law a far-reaching "learning-results" bill that calls for new state standards for what students should know and be able to do. Those standards and related assessments are to be fully implemented by the 2002-03 school year. • Funding for K-12 education was one of the few areas of state budget that expanded over biennium. Most other areas saw reductions.
Maryland	$2.5 billion	+5.9 percent	• Legislature approved a spending increase for education while the rest of the state budget remained stagnant. Budget includes a $75 million increase in general school aid to cover projected enrollment increases, and $24 million for school-employee pensions. • To consolidate youth programs, lawmakers also shifted $39 million from the health, human resources and juvenile-justice budgets into the education budget. • Budget includes $12 million to start a state and local partnership to manage the Baltimore schools. • Legislature enacted a $1.25 million school-technology grant and a $2.75 million awards program for outstanding schools and districts.
Massachusetts	$2.6 billion	+11.7 percent	• Budget allocates about $200 million to continue state's seven-year plan for education reform. Enacted in 1993, it also includes equity provisions to gradually increase the amount of state aid that goes to less wealthy districts.
Michigan	$297.2 million	-50.1 percent	• Further adjusting its school-finance system, Michigan lawmakers substantially raised the percentage of state income-tax receipts earmarked for education. Lawmakers compensated by decreasing the level of general-fund appropriations for K-12, the budget category shown above. • Overall state spending on K-12 education will rise in fiscal 1997 to $8.51 billion, up from $8.24 billion in 1996 — a 3.3% increase. • Lawmakers boosted basic state funding by $390 million for fiscal 1997. They cut categorical funding for adult education from $185 million in 1996 to $80 million. • Gov. Engler signed bill that will allow students in an intermediate school district to attend any school within the district that is accepting outside students. So far, many districts have been reluctant to accept outside students under the open-enrollment law.

STATE	FY 1997 K-12 BUDGET	PERCENT CHANGE IN K-12 BUDGET FROM 1996	COMMENTS
Minnesota	$3.1 billion	+3.7 percent	• Lawmakers rejected a $15 million proposal by the governor to create a voucher system focused on low-income neighborhoods in Minneapolis and St. Paul. • New education funding for fiscal 1997, added to the second year of a two-year state budget, is directed primarily toward technology and school construction.
Mississippi	$1.1 billion	+0.8 percent	• Fiscal 1997 budget does not include $175 million in projected revenues from a 1-cent sales tax that goes into an "educational enhancement fund." Fund pays for teacher health insurance, property-tax reduction, equity support for poor districts, textbooks, classroom supplies, school buses and capital expenditure. • Legislature approved $3,000 annual pay raises to teachers certified by National Board for Professional Teaching Standards; state will also pay $2,000 fee for assessments that candidates for board certification must pass. • Legislature rejected governor's proposal to move state toward uniform system of appointed local superintendents and elected school boards. Currently, some school boards are appointed and some are elected; some boards include a mixture of elected and appointed members.
Missouri	$1.8 billion	+17.9 percent	• Large increase in funding for school-aid foundation formula is fueled by higher-than-expected state revenues. This will allow state to fully fund its foundation formula for the first time, supplying each district with enough aid to meet minimum per-pupil expenditure established by legislature. • Legislature approved quarter-cent cut in state sales tax and $115 million refund of excess property-tax revenues scheduled to take place in late 1997 or early 1998. State court ruled that the property taxes were collected at a level above that approved by legislature. • Legislature approved additional immunization funding, with aim of ensuring that 90% of eligible children under are two are vaccinated. State currently immunizes 64% of those children, ranking Missouri 49th among the states.
Montana	$471 million	+1.1 percent	• Legislature, which convenes every two years, did not meet this year. Fiscal 1997 budget, passed last year as part of state's biennial spending package, provides new funding to cover anticipated growth in enrollment. • State schools Superintendent Nancy Keenan, who faces re-election this fall, would like to make school funding a top priority in 1997 legislative session. She would seek $38.9 million — a 4.5% increase in state per-pupil funding over the next two years — to replace cuts that date to 1993. • State officials plan to request $1.9 million next year for Improving Montana Schools, a broad initiative covering everything from school accountability to educational technology to vocational education.

STATE	FY 1997 K-12 BUDGET	PERCENT CHANGE IN K-12 BUDGET FROM 1996	COMMENTS
Nebraska	$575 million	+3.6 percent	• Budget reflects an increase in general state aid for local districts — from $414 million in the current year to $434 million in fiscal 1997 — due mostly to increased sales-tax revenue. • State's teacher-salary-enhancement fund was phased out completely for fiscal 1997; the state's contribution was $6.9 million in 1996. Money that would have gone into the fund will be used to add a new cost-of-living adjustment to the teachers' retirement plan. • Legislature and governor also approved a statewide lid on local property taxes. Beginning in fiscal 1999, the lid will limit the amount schools receive from those taxes to $1.10 per $100 of assessed value.
Nevada			
New Hampshire	$92 million	+7.3 percent	• After years of debate, legislature passed bill providing state funding for kindergarten. Under the $5 million measure, state will provide $500 per kindergarten-age child to districts that now operate kindergartens or plan to open them. Law does not, however, require districts to offer kindergarten. • Gov. Merrill vetoed a bill that would have accepted $9 million in federal funding under the Goals 2000: Educate America Act, President Clinton's school-improvement initiative. State board of education agreed to allow communities to apply directly to Washington for the grants.
New Jersey	$4.8 billion	+1.1 percent	• Total state aid to local school systems edged up by $47 million. In response to a court order to equalize funding in rich and poor districts, state aid to 30 neediest districts rose by $60 million, offset by cuts to districts with greater wealth or declining enrollment. Governor and legislators still working on proposals to overhaul school-finance system. • Legislation was enacted authorizing teachers, parents, businesses, or colleges to open up to 135 publicly financed charter schools over next four years. The law allows existing schools to become charter schools if a majority of parents and teachers approve. • Lawmakers approved legislation allowing districts to require students to wear uniforms. • The legislature also enacted a law requiring school buses to be equipped with six-foot safety bars designed to keep children within drivers' range of vision.

STATE	FY 1997 K-12 BUDGET	PERCENT CHANGE IN K-12 BUDGET FROM 1996	COMMENTS
New Mexico	$1.3 billion	+1.5 percent	• Legislature approved 3% tuition hike at state's public colleges and universities; Gov. Johnson had proposed 8% increase. • Not included in $1.31 billion K-12 budget is one-time payment of $2 million to help two school districts with their school building and maintenance needs. One district, Pecos Independent, has had buildings nearly collapse due to poor construction; the other district, Rio Rancho, is a fast-growing district that needs to build many new schools in a short period. • Most of increase in K-12 spending would help cover projected enrollment growth and increased transportation costs. • Various bills that would have authorized the use of state monies or state-financed services in private or religious schools — such as a proposal for a tuition tax credit — failed during the legislative session.
New York	$10.2 billion	+4.1 percent	• Legislature authorized nearly $350 million more in state aid to districts, nixing governor's attempts to lessen increases. • Lawmakers also granted residents of small-city school districts the right to vote on local budgets. • Lawmakers approved governor's plan to require college students to maintain at least C average to receive tuition aid. • Board of regents voted to replace dual-track examination system for high-school students with single, more rigorous series of tests all students will be required to pass.
North Carolina	$4.3 billion	+7.1 percent	• State lawmakers increased teacher salaries by 5.5% in budget for fiscal 1997, the second year of biennial budget adopted last year. Other school staff are slated for 4.5% increase. • Fiscal 1997 budget continues three-year effort to lower class sizes. This year, $15 million is targeted for reducing second-grade classes to 23 students per teacher. Earlier years targeted kindergarten and first grade. • Lawmakers appropriated $14 million for at-risk-student services, a category that includes alternative schools and hiring uniformed safety officer for each North Carolina high school.
North Dakota			
Ohio			
Oklahoma	$1.5 billion	+8.5 percent	• Governor vetoed education-reform measure that would have guaranteed 8% salary increase for teachers who are paid state's minimum allowable wage for teachers. It also would have set up $6 million professional-development program and $1 million program for at-risk four-year olds. • Legislature gave $42.8 million infusion to districts with growing enrollments. • Governor's proposal to give $10.9 million in incentive pay to teachers in the top 20% of schools died in legislature.
Oregon			

STATE	FY 1997 K-12 BUDGET	PERCENT CHANGE IN K-12 BUDGET FROM 1996	COMMENTS
Pennsylvania	$5.6 billion	+0.5 percent	• Lawmakers modified state law on teacher sabbatical leaves to limit absences to study or health reasons. Disallowing leave for travel and other purposes will save school districts $45 million annually, officials estimate. • Legislature approved $33 million in new funding for technology upgrades at schools and libraries. Eventually, state intends to link K-12 schools with libraries and colleges, which also got new technology funding under fiscal 1997 budget.
Rhode Island	$488 million	+2.3 percent	• Increase of $1 million in state's share of teacher-retirements costs represents largest part of budget increase. • Legislature also approved $400 million appropriation for Metropolitan Regional Career and Technical School, a new vocational school in Providence that started classes this fall. • Along with budget, lawmakers passed measure calling for new formula to be used to dispense state aid to districts. Rhode Island's current system dispenses funds based on districts' past spending; new formula would be based more on local needs.
South Carolina	$403 million	+5.5 percent	• Budget increases state's base per-pupil funding by $57 million. • Lawmakers approved $14.1 million to pay for all-day kindergarten for state's poorest 5-year olds. • Gov. Beasley signed a $70 million facilities bill. First-year funding must be used to pay outstanding bond debts or buy portable classrooms. • Lawmakers approved $20 million for state's technology plan, intended to help schools pay for Internet connections and satellite dishes. • Charter school law provides for unspecified number of nonreligious, nonprofit charter schools accountable to local school boards.
South Dakota	$220 million	+15.3 percent	• New funding formula for K-12 education will be launched in fiscal 1997, increasing state's share of overall school funding. • Governor proposed no new education programs for fiscal 1997.

STATE	FY 1997 K-12 BUDGET	PERCENT CHANGE IN K-12 BUDGET FROM 1996	COMMENTS
Tennessee	$2.2 billion	+7.0 percent	• Increase for K-12 spending includes a 3% raise for teachers. • Legislature rejected a bill that would have allowed the suspension or firing of teachers who taught the theory of evolution as fact. • Lawmakers passed legislation calling for the one-year expulsion of a student who assaults another student or teacher, or who possess an illegal drug or firearm at school. Punishment can be determined on a case-by-case basis, however. Another provision requires school systems to set discipline and behavior guidelines. • A bill passed that would deny a driver's license to high school students who failed to make satisfactory academic progress, which is defined as passing at least three courses. • New legislation will allow retired teachers to work as substitutes without having to continue or renew their certification. • Lawmakers created a commission to study character education.
Texas			
Utah	$1.5 billion	+14.17 percent	• Lawmakers increased state aid after property-tax relief was approved to cut local school spending by about $30 million. • Teachers will get raises averaging about 4%. • Gov. Leavitt signed a law giving school boards authority to ban controversial extracurricular clubs; the move follows the Salt Lake City district's decision to ban all such clubs rather than allow a proposed support group for gay students. Measure will likely be challenged in court as a violation of federal equal-access law.
Vermont	$223 million	+3.2 percent	• Budget for fiscal 1997 restores $5 million for the teachers' retirement plan that was cut last year. • Legislature also approved a new sliding-scale school-construction-aid formula that would limit aid to wealthier towns. It will not go into effect until the state pays off the school-construction obligations incurred under the older, more generous aid formula.
Virginia	$5.9 billion (1997-98)	+10.9 percent	• Majority of the increase in K-12 spending — $410 million over two years — will go to health and pension funds for school employees and to cover projected increases in school enrollment. • Legislature also approved a $70 million raise for teachers over two years. • Lawmakers approved $100 million for initiative to provide additional computers and advanced technology in each of state's 1,800 public schools. • Budget also includes $50 million to reduce class sizes in programs serving low-income children.

STATE	FY 1997 K-12 BUDGET	PERCENT CHANGE IN K-12 BUDGET FROM 1996	COMMENTS
Washington State	$4.2 billion	+4 percent	• Beyond general-fund K-12 budget, state plans to spend $42 million in fiscal 1997 on expanding its telecommunications system to help schools move ahead in such areas as Internet access and interactive television. Initiative covers elementary and secondary schools as well as colleges and universities • Fiscal 1997 education budget, part of two-year spending plan adopted last year, includes $4 million to cover cost of expanding school-employee background checks. New law requires finger-printing and police background checks of all staff members with unsupervised access to children; previously, employees hired before 1982 were exempt.
West Virginia	$1.3 billion	+2.38 percent	• Budget includes a $500 salary increase for teachers, as well as an annual incremental raise and $300 for nonteaching staff members. • Legislature directed $8.8 million from lottery proceeds toward increasing computer technology in middle and high schools. • Lawmakers dropped the proposed "rule of 80," favored by teachers, which would have allowed them to retire when their age plus years of service equaled 80.
Wisconsin			
Wyoming	$119 million (1997-98)	-6.99 percent	• Decline in state education funding comes in response to increasing local school revenues. Overall school spending in the state will remain constant during the next biennium. • State supreme court ruling gave lawmakers until July 1997 to revamp Wyoming's school-finance system. Court asked lawmakers to justify the state's level of school spending, which led legislators to create a special panel to study school costs and spending levels.

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Clearinghouse NOTES . . . . . FINANCE

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STATE SCHOOL FINANCE SYSTEMS, 1993-94

November 1996

Flat Grants and Foundation Programs

Flat grants and *foundation programs* assure every pupil a minimum level of per-pupil expenditure. The school district can determine whether or not it wants additional per-pupil expenditures beyond the minimum level, but it would be without the benefit of state aid.

Flat grants essentially guarantee an equal amount of aid dollars per unit (pupil units or teacher/instructional units). Flat grants do not address differences in local fiscal capacity among districts, but they can address the issue of educational need by use of a weighting procedure in the determination of unit count.

Foundation programs provide each school district with a level of funding necessary to guarantee every student in the district access to a minimum level of educational services, in terms of dollars per pupil, as prescribed by the state. Foundation programs incorporate a measure of local wealth and may also take into account districts' educational needs that are out of their control (i.e., types of students or certain conditions). States vary in whether or not they require districts to have a minimum tax rate in order to participate in the basic support program.

Percentage Equalization, Guaranteed Tax Base, and Guaranteed Tax Yield Programs

These three funding mechanisms are also known as District Power Equalization (DPE) programs. DPE refers to a state equalization aid program that "equalizes" the ability of each school district to raise dollars for education. In a pure DPE program, the state guarantees to both property-poor and property-rich school districts the same dollar yield for the same property tax rate. In essence, equal tax rates produce equal per pupil expenditures. All DPE programs focuses on local ability to generate revenue for schools.

In *percentage equalization programs*, districts determine the size of its own budget and the state pays a share of that budget depending on the district's aid ratio. (The aid ratio incorporates such things as the assessed valuation per pupil in a particular district and the assessed valuation per student in the state as a whole.)

Guaranteed tax base (GTB) and *guaranteed tax yield (GTY)* are similar in that the state provides matching funds based on the level of local tax effort and the amount of revenues generated by that effort. GTB programs attempt to equalize district ability to pay by guaranteeing a certain level of assessed valuation per pupil. GTY programs attempt to equalize district ability to pay by guaranteeing a certain level of revenue per pupil for a given tax rate.

Full State Funding

Under *full state funding*, the state is responsible for education and all funds are raised by statewide taxes. Hawaii is the only state that can be technically classified under this category.

STATE	BASIC SUPPORT PROGRAM
Alabama	Foundation Program with mandatory local effort
Alaska	Foundation Program with mandatory local effort
Arizona	Foundation Program - local effort not mandatory
Arkansas	Foundation Program - local effort not mandatory
California	Foundation Program - local effort not mandatory
Colorado	Foundation Program with mandatory local effort
Connecticut [1]	Percent Equalization Program - mandatory local effort
Delaware [2]	Flat Grant
Florida	Foundation Program with mandatory local effort
Georgia [3]	Foundation Program with mandatory local effort
Hawaii	Full state funding
Idaho	Foundation Program - local effort not mandatory
Illinois	Foundation Program - local effort not mandatory
Indiana	Guaranteed Tax Base/Yield Program
Iowa	Foundation Program with mandatory local effort
Kansas	Percent Equalization Program - local effort not mandatory
Kentucky	Foundation Program with mandatory local effort
Louisiana	Foundation Program - local effort not mandatory
Maine	Foundation Program with mandatory local effort
Maryland	Foundation Program - local effort not mandatory
Massachusetts	Foundation Program with mandatory local effort
Michigan	Foundation Program with mandatory local effort
Minnesota	Foundation Program with mandatory local effort
Mississippi	Foundation Program with mandatory local effort
Missouri [4]	Foundation Program with mandatory local effort
Montana [3]	Foundation Program - local effort not mandatory
Nebraska	Foundation Program - local effort not mandatory
Nevada	Foundation Program with mandatory local effort
New Hampshire	Foundation Program - local effort not mandatory
New Jersey	Foundation Program - local effort not mandatory
New Mexico	Foundation Program with mandatory local effort
New York	Percent Equalization Program - local effort not mandatory
North Carolina	Flat Grant
North Dakota	Foundation Program - local effort not mandatory
Ohio	Foundation Program with mandatory local effort
Oklahoma [3]	Foundation Program - local effort not mandatory
Oregon	Foundation Program - local effort not mandatory
Pennsylvania	Percent Equalization Program - local effort not mandatory
Rhode Island	Percent Equalization Program
South Carolina	Foundation Program with mandatory local effort

STATE	BASIC SUPPORT PROGRAM
South Dakota	Foundation Program - local effort not mandatory
Tennessee	Foundation Program with mandatory local effort
Texas [3]	Foundation Program with mandatory local effort
Utah	Foundation Program with mandatory local effort
Vermont	Foundation Program - local effort not mandatory
Virginia	Foundation Program with mandatory local effort
Washington	Full state funding
West Virginia	Foundation Program - local effort not mandatory
Wisconsin	Guaranteed Tax Base/Yield Program
Wyoming	Foundation Program with mandatory local effort

(The following states provided descriptions for years other than 1993-94: Colorado — 1994-95; Michigan — 1994-95; Wyoming — 1992-93.

Source: Gold, Steven D. et al. Public School Finance Programs of the United States and Canada 1993-94, Vol. I and II. American Education Finance Association and Center for the Study of the States; The Nelson A. Rockefeller Institute of Government, State University of New York, 1995.

NOTES:

1. Although Connecticut considers the basic support program to be a foundation program, for purposes of this table , it is considered to be a percentage equalizing program since an aid ratio is used in the calculation of basic support aid.
2. Delaware has a separate equalization component in addition to the flat grant as part of the basic support program.
3. These states have a second tier of GTB/GTY funding in addition to the foundation program.
4. Missouri incorporates a GTB add-on into the basic support formula.

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LEGISLATIVE ACTIVITIES INVOLVING OPEN ENROLLMENT (CHOICE) STATE STATUS

STATE	Comprehensive Statewide Program*	STATUS
Alabama		legislation defeated in 1990; limited controlled in-district choice was approved in 1991
Alaska		
Arizona	1994	defeated in 1989 legislative session; 1992 legislation failed; statewide plan passed in 1994 legislature
Arkansas	1989	statewide plan passed legislature in 1989
California		legislation passed and signed in 1993 for mandatory intradistrict choice (within districts) and voluntary interdistrict choice; voucher initiative on ballot in November 1993
Colorado	1994	measure was defeated in 1989; 1990 legislature approved pilots; refinements passed in 1991; November 1992 ballot initiative on vouchers defeated 67% to 33%; interdistrict plan passed 1994
Connecticut		1995 bills on public and private school choice were not brought to a vote
Delaware	1995	allows parents to choose any public school for their child(ren) to attend
District of Columbia		1996 U.S. Congress proposal to provide vouchers for D.C. students to attend private schools
Florida		legislation defeated in 1992; 1996 proposed "Parental Choice in Education Act"
Georgia		1989 legislature approved study of the concept
Hawaii		
Idaho	1990	passed statewide plan in 1990 legislature
Illinois		study conducted in 1990 on choice concept for Chicago; statewide plan pending in 1990 legislature; voucher legislation was defeated; choice pilots only; refined in 1991 legislature
Indiana		legislation defeated in 1990; limited plan in Indianapolis approved 2/93; state law does stipulate that a parent (or student after age 18) may request a transfer to another school corporation "if the student may be better accommodated" in the transferee corporation; both the sending and the receiving corporation must agree to the transfer.
Iowa	1989	passed statewide plan in 1989 legislature; refined in 1991; legislation to further refine in 1992
Kansas		
Kentucky		
Louisiana		limited/controlled statewide plan passed in 1992

STATE	Comprehensive Statewide Program*	STATUS
Maine		1995 proposed legislation to broaden public education options
Maryland		
Massachusetts		legislation held over from 1989 but changed to a policy allowing districts the option; refinements in 1991; legislative panel recommended repealing the "choice" program in 1992 but bill to do so died; passed in 1993
Michigan		legislation from 1989 defeated in 1990; 1991 legislation passed allowing for intradistrict (within district) open enrollment only
Minnesota	1988	passed legislation in 1988; refined in 1990; further refined in 1996
Mississippi		legislation was defeated in 1989 and 1992
Missouri		defeated in 1989; legislation defeated in 1990; legislation passed in 1991 but must go to a vote of the people in 11/91; voters defeated; legislature passed voluntary, interdistrict plan in 1994; proposed voucher program in 1995
Montana		legislation defeated in 1990
Nebraska	1989	statewide plan passed 1989 legislature; refinements passed in 1990 and 1991
Nevada		legislation was defeated in 1989
New Hampshire		legislation pending in 1990 resulted in the appointment of a study committee; legislation defeated in 1991; passed voluntary open enrollment in 1995 (Charter Schools and Open Enrollment Act) whereby any school legislative body may vote to designate one or more of its schools as an open enrollment school (but no school shall be required to be an open enrollment school (194-B:2)
New Jersey		district pilots were approved in 1989 legislature
New Mexico		statewide plan was defeated in 1989 legislature
New York		voluntary interdistrict urban-suburban transfer program to reduce racial isolation
North Carolina		legislative hearings were held in 1989 but no bill was introduced; no further action beyond discussions in 1991
North Dakota	1993	plan passed in 1993; provides timeline for application to schools outside district of residence and procedures for school boards to accept/reject applicants based on capacity of program, class, grade level or building
Ohio	1989	statewide plan passed 1989 legislature; refined in 1991; legislation for voucher pilot for Cleveland passed in 1995 - includes religious and other private schools; challenged in state court lawsuit
Oklahoma		legislation from 1989 died in 1990 session
Oregon	1991	ballot initiative which would have resulted in vouchers to parents for up to $2500 for costs incurred sending children to private schools or from teaching kids at home was defeated in 11/90 elections; statewide open enrollment plan passed in 1991
Pennsylvania		legislature did major study of the topic in 1992 but no legislation was passed; 1995 proposal for school choice pilot and voucher program for low-income families
Puerto Rico		1993 "Special Scholarship and Free Selection of Schools" enacted; $1500 vouchers provided to low-income students to attend public, private or religious schools; challenged, and the Supreme Court of Puerto Rico ruled funds given to public school students for access to private schools unconstitutional. Amended July 1995
Rhode Island		
South Carolina		
South Dakota		1996 proposed legislation for public school choice

STATE	Comprehensive Statewide Program*	STATUS
Tennessee	1992	approved in 1992 legislation, but informal open enrollment practiced for decades
Texas		bill died without committee hearings in 1989; Senate Bill 1, enacted 1995, included provision for charter schools to select an open enrollment designation; bill also allows students to be assigned/transfered from one school to another within jurisdiction; transfers, by agreement, are also permitted between districts
Utah	1990	statewide plan passed 1990 legislature; refinements passed in 1992; "Each school district and public school is authorized and encouraged to do the following: . . . (c) implement a public school choice program to give parents, students, and teachers greater flexibility in designing and choosing among programs with different focuses between schools within the same district and between different districts, subject to space availability, demographics, and legal and performance criteria."
Vermont		proposed 1996 legislation would enable a pupil to attend any public school
Virginia		
Washington	1990	statewide plan passed 1990 legislature: each school district shall adopt and implement a policy allowing intradistrict open enrollment; each district shall adopt a policy establishing standards for accepting or rejecting applications from nonresident students or students being home-schooled
West Virginia		
Wisconsin		legislation defeated in 1989; limited plan approved for Milwaukee in 1990 providing vouchers which may be used at any nonsectarian, private or public school in the city; proposal in 1995 to expand to include religious schools pending in courts
Wyoming		

*Statewide Comprehensive Program = Districts are required (or strongly encouraged) to participate and a student may attend any public school, not just one within his/her district of residence.

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Clearinghouse NOTES . . . . . FLEXIBILITY

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POSTSECONDARY OPTIONS/DUAL ENROLLMENT

Postsecondary courses are increasingly being offered to high school students in order to provide challenging options and to smooth the transition between secondary and postsecondary education. Furthermore, some state programs allow students to economically accumulate postsecondary credit, thus saving students time and money. Though there is undoubtedly a trend towards offering students postsecondary options, programs vary considerably. The following broadly defined categories offer a snapshot view of existing programs.

COMPREHENSIVE PROGRAMS:

Minimal or no cost to students, credit received applies towards high school graduation and postsecondary institutions, few course restrictions.

Colorado, Florida, Georgia, Maine, Massachusetts, Minnesota, New Jersey, Ohio, Utah, Washington, Wisconsin

MODERATELY COMPREHENSIVE PROGRAMS:

Minimal or no cost to students, but credit received applies toward high school graduation only.

Iowa

LIMITED PROGRAMS:

Students pay tuition costs of postsecondary classes, more academic credit restrictions, stringent criteria on eligible courses.

Arizona, Arkansas, Indiana, Kansas, Louisiana

OTHER:

Recently implemented programs of which little is known yet.

Nevada, Oklahoma

College courses taught for credit in high schools.

Oregon

STATE	CODE	WHO PAYS	LIMITATIONS	POST SECONDARY OR SECONDARY CREDIT
Arizona	Students may take courses at community college at their own expense for secondary credit.	Students pay costs, though community colleges are reimbursed by the state for accepting students.	Must be accepted by postsecondary institution.	Secondary
Arkansas	1995 6-18-223-(a)(2) "A student who enrolls in and successfully completes a course or courses offered by an institution of higher education shall be entitled to receive appropriate academic credit in both the institution of higher education and the public school."	The student pays all appropriate costs.	Must be accepted by postsecondary institution.	Secondary, although if student then enrolls at postsecondary institution, credit shall be awarded for completed course work.
Colorado	11th and 12th graders may take postsecondary classes to fulfill secondary graduation requirements. 1993 Code 22-35-101	K-12 school districts pay costs of first two courses per semester, student incurs costs for any additional course work.	Student should enroll with "the advice and counsel of the principal of the high school."	Secondary, although if student then enrolls at postsecondary institution, credit shall be awarded for completed course work.
Florida	Florida code 240.116 reads "The dual enrollment program shall be the enrollment of an eligible secondary student in a postsecondary course..." 1993	State funds both secondary and postsecondary institutions. Textbooks are provided to students but become secondary school property.	Courses not available in secondary institution. Students must maintain a GPA level.	Secondary, although if student then enrolls at postsecondary institution, credit shall be awarded for completed course work.

STATE	CODE	WHO PAYS	LIMITATIONS	POST SECONDARY OR SECONDARY CREDIT
Georgia	1995 code 20-2-161.1 reads "Any 11th or 12th grade pupil in any public school ... may apply to enroll in selected courses" at a postsecondary institution.	State pays the costs of student postsecondary enrollment.	Student must be accepted by postsecondary institution which must be eligible with the GA State Board of Education.	Secondary, although if student then enrolls at postsecondary institution, credit shall be awarded for completed course work.
Indiana	Secondary students may obtain secondary credit for courses taken at postsecondary institutions. 1995 Code 20-10.1-15-4	Students cover costs of programs.	School approval	Secondary, although if student then enrolls at postsecondary institution, credit shall be awarded for completed course work.
Iowa	Students in grades 10 or 12 and those in grades 9 and 10 who have been identified as talented and gifted may take courses in a postsecondary school if a like course is not offered in their high school. Iowa Code 261C	Local district pays for the classes, if they take place during the school year, up to $250. (Postsecondary institution cannot charge more.) Student must successfully complete course or is responsible for payment (parents responsible for those under 18).	Classes not available at secondary school within district. Eligible pupils make application to an eligible institution to allow the pupil to enroll for academic or vocational-technical credit in a non-sectarian course.	Secondary school credit.
Kansas	"'Concurrent enrollment pupil' means a person who is enrolled in either 11th or 12th grade and has been authorized to enroll in a postsecondary institution". Enacted 1993 72-11a01-11a05	Tuition and other fees paid for by student.	Student must receive authorization from school principal and must be accepted by eligible postsecondary institution.	Student receives both secondary and postsecondary academic credit.
Louisiana	School regulation Title 28, sec 1523a.	Student pays applicable costs.		

STATE	CODE	WHO PAYS	LIMITATIONS	POST SECONDARY OR SECONDARY CREDIT
Maine	Under a state-funded program, students may take courses at postsecondary institutions if their local school district approves and are accepted at postsecondary institution. Ch. 208 20a4751-4760 Comar 13a.03.02.03	School district pays tuition costs, students pay for textbooks and any other associated costs.	Schools may not limit program to gifted and talented students and must provide counseling or guidance services to the students.	Student receives both secondary and postsecondary academic credit.
Massachusetts	Section 23 of Chapter 71, Acts of 1993 establishes dual enrollment policy. G.L.C. 15A, Section 39 amends above section to include nonpublic students.	Higher Education Coordinating Council establishes per credit costs. Executive Office of Education pays while funds available; if insufficient funds to cover all qualified applicants, a school may, but is not required to, pay the cost. If neither has resources, applicant may choose to pay.	Juniors or seniors who have a 3.0 GPA or better and /or are recommended by principals, counselors or teachers. Must meet pertinent admission requirements and individual course requirements. Must earn B or better to remain eligible.	Both high school credit toward graduation and college credit; nonpublic student credit at descretion of nonpublic school.
Minnesota	Enacted in 1985, provides 11th and 12th graders the option of attending participating postsecondary institutions. (94) Code 123.3514	State, if credits count towards secondary education. Students earning postsecondary credits pay tuition costs. Some funding for transportation of low-income students.	Determined by postsecondary institution. Parents and students must attend secondary school counseling.	Legislative auditor's 1996 report says that students have a higher grade point average than freshman at all postsecondary institutions except technical colleges. Also says 52% of 401 administrators responding to survey said one impact of law has been increased cooperative efforts with postsecondary.
New Jersey	Code 1995 Ch.18A. 61C reads "Shall establish a program to provide courses for college credit on public high school campuses to high school pupils."	The state department of education.		Student receives both secondary and postsecondary academic credit.

STATE	CODE	WHO PAYS	LIMITATIONS	POST SECONDARY OR SECONDARY CREDIT
Nevada	1995 Code 389.160 reads "A pupil who successfully completes a course offered a postsecondary institution must be allowed to apply the credit received towards graduation."			Secondary credit only.
Oklahoma	Legislation passed 3/95 provides for students in common schools to be enrolled concurrently in courses of secondary and postsecondary institutions.			Secondary credit.
Ohio	Allows 11th and 12th graders the option of attending participating programs approved by the Board of Regents. (92 Code chapter 3365)	State pays tuition, institution pays for texts and supplies. Some funding for transportation of low-income student. Should a student decide to take classes that do not qualify as secondary credit, then student pays course costs.	Parents and students must attend counseling session.	Student receives both secondary and postsecondary academic credit.
Oregon	Cooperative educational program agreements between high schools and colleges for colleges to offer college-level courses for credit in the high school. Standards developed in 1985; Oregon Administrative Rule adopted 1991: Dual Credit Programs	Students pay greatly reduced tuition rate; colleges supply required support services.	Requirements vary by institution but guidelines state that courses should be open "only to academically well-qualified seniors." Exceptions can be made on a case-by-case basis and mutually agreed upon by college and school.	High school or college credit.
Utah	Effective 8/96, Utah provides for "college credit courses are taught in high school concurrent enrollment programs" Code 53a-15-101(1)	School districts pay the costs of the program.	Students must be accepted by postsecondary institution.	Student receives both secondary and postsecondary academic credit.

STATE	CODE	WHO PAYS	LIMITATIONS	POST SECONDARY OR SECONDARY CREDIT
Washington	Created in 1990, the "Running Start" program allows 11th and 12th graders to take courses at postsecondary institutions, earning both postsecondary and secondary credits. (94) RCWA 28A.600.300-28A.600-400	K-12 school districts pays students' costs. Students pay for own transportation and books.	Students must pass standardized tests.	Student receives both secondary and postsecondary academic credit. This program began as a pilot in 1990-91 and 1991-92.
Wisconsin	Wisconsin code reads "Any public school pupil enrolled in the 11th or 12th grade may enroll in an institution of higher education." 118.37	School board pays postsecondary institution for courses used for secondary credit. Student pays for postsecondary credit courses.	Courses enrolled in must be for high school credit and may not replicate a course offered in the secondary school district.	Student's choice, secondary credit classes are paid for by school board, student pays for postsecondary classes.

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Private and Public School Choice

Annotated Bibliography

EFFECTIVENESS/IMPACT ON BROADER EDUCATION SYSTEMS

Items in this category include evaluations, position papers, and other studies that have looked at the impact choice has had in a variety of areas, such as, parent involvement, student achievement, attitudes, structures, roles, curriculum, funding and productivity.

Association for Supervision and Curriculum Development. *Public Schools of Choice*. Alexandria, VA: Association for Supervision and Curriculum Development, 1990. This paper presents a critical analysis of public school choice. The authors provide definitions of choice; discuss the history of school choice; identify what problems choice may alleviate; present the research on what is known about choice; and discuss alternative approaches to choice.

Billingsley, K.L. (Ed.) *Voices on Choice: The Education Reform Debate*. California: Corwin Press, 1994. This collection presents opinions of both proponents and opponents of school choice from a variety of perspectives, including academics, bureaucrats, politicians, union leaders, economists, lawyers, parents, and activists. Both public school choice and public/private (vouchers) are discussed as well as how choice impacts communities of color. There are a total of 15 essays on various topics relating to school choice.

Carnegie Foundation for the Advancement of Teaching. *School Choice. A Special Report with a Foreword by Ernest Boyer*. Princeton, NJ: Carnegie Foundation for the Advancement of Teaching, 1992. This report encompasses many important aspects of the choice debate. A definition of choice and review of the literature are provided; survey results on parents' and students' attitudes on choice are reviewed; successful public school choice programs are highlighted; and problems with Milwaukee's voucher program are discussed.

Clune, William H., and John F. Witte (Eds). *Choice and Control in American Education*. The Practice of Choice, Decentralization and School Restructuring, vol. 2. Bristol, PA: The Falmer Press, 1990. The second volume of this series provides information about the most common forms of contemporary educational change. Detailed descriptions of particular programs are provided as are data about the effects of such programs. Six types of change are reviewed in the chapters by multiple authors: school based management, magnet schools, democratic localism, teacher empowerment and professionalism, state differential treatment of schools, and curriculum controls.

Elmore, Richard, Gary Orfield, and Bruce Fuller. *Who Chooses, Who Loses? Culture, Institutions, and the Unequal Effects of School Choice*. New York: Teachers College Press, 1996. This collection of articles, edited by Elmore,

Orfield, and Fuller, examines which parents are choosing schools, whether choice has stimulated innovation, and what impact choice has had on student achievement and parental satisfaction.

Fowler-Finn, Thomas. "Why Have They Chosen Another School System?" *Educational Leadership* 51, no. 4 (Dec-Jan 1993-94): 60-62. The author discusses problems with the Massachusetts school choice program, such as, the flight of students and dollars from inner city districts to wealthy suburban districts and the impact choice has had on the racial composition of districts.

Henderson, Robert A. "Worldwide School Reform Movements and Students with Disabilities." *British Journal of Special Education* 22, no. 4 (Dec 1995): 148-51. This article considers the effects of various education reform movements in English speaking countries on students with disabilities. Movements discussed include: decentralization, integration and inclusions, school choice systems, standards, testing. The author's conclusion is that most of these movements disregard negative effects on students with disabilities.

Hlebowitsh, Peter S. "Can We Find the Traditional American School in the Idea of Choice?" *NASSP Bulletin* 79, no. 572 (September 1995): 1-11. This article provides an overview of the debate surrounding public school choice and discusses the potential threat choice poses to the core purpose of public education. The author argues that choice creates specialized school settings, like magnet schools, that do not offer the type of comprehensive public education that this country has historically provided. He goes on to further discuss the benefits of neighborhood schools, many of which are negatively impacted by schools of choice because they lose students and community support.

Levine, Daniel U., and Allan C. Ornstein. "School Effectiveness and National Reform." *Journal of Teacher Education* 44, no. 5 (Nov-Dec 1993): 335-45. The authors examine efforts to increase school effectiveness such as effective schools research; successful projects; magnet and alternative schools; year-round schooling; school choice; systemic restructuring and reform; partnerships with other institutions.

Meier, Deborah. *The Power of Their Ideas: Lessons from America from a Small School in Harlem*. Boston: Beacon Press, 1995. Explains how small public schools, selected by parental choice, can save public education and strengthen our democratic system.

Nathan, Joe (Ed.). *Public Schools By Choice: Expanding Opportunities for Parents, Students, and Teachers*. Bloomington, IN: Meyer Stone Books, 1989. This book contains chapters from various authors on the Rationale for Public School Choice, Experiencing Public School Choice, and the Future of Public School Choice. Some specific topics addressed include the role of parents in choice, an educational policy agenda for school choice, productivity and choice, schools of choice in Cambridge, East Harlem, Florida, and Minnesota, reflections on school choice over the last twenty years and choices for the future.

Nathan, Joe and James Ysseldyke. "What Minnesota Has Learned About School Choice." *Phi Delta Kappan* 75, no. 9 (May 1994): 682-88. This article dispels seven myths about Minnesota's choice plans, particularly regarding program effects, benefits for disadvantaged students, parental selection criteria, teacher attitudes, and charter schools.

Pipho, Chris. "School Finance in a Transformed Education System." *Educational Technology* 32, no. 11 (Nov 1992): 27-30. The author discusses the impact of systemic educational change on the school funding mechanism, addresses the

forces driving school finance, and examines new outcome-driven funding models. Implications of decentralization are considered and advantages, disadvantages, and implementation of voucher and incentive models are presented.

Sanchez, Karen, and others. *Educational Choice. Policy Bulletin No. 9.* Indiana University: Education Policy Center, 1990. This document identifies various forms of public school choice and describes existing programs across the U.S. They explore various choices such as magnet and alternative schools and open enrollment; they also look at what facilitates effective choice programs and what are some of the tensions surrounding the choice movement.

Smith, Kevin B, and Kenneth J Meier. "School Choice: Panacea or Pandora's Box?" *Phi Delta Kappan* 77, no. 4 (December 1995): 312-16. The authors draw hypotheses from the theory of school choice and gather data to test their hypotheses. Questions explored are: 1. is the education system failing? 2. are parents dissatisfied with public schools? 3. does poor public school performance increase private school enrollment?

Witte, John F. *Choice in American Education.* Robert M. La Follette Institute of Public Affairs: University of Wisconsin-Madison, 1990. The author identifies and analyzes various school choice programs, public and private; discusses the commonalities of different types of plans, the differences among plans, the arguments for and against choice in education, the relationship between choice and student achievement, and policy issues that states encounter in administering choice plans.

Wooster, Martin Morse. *Angry Classrooms, Vacant Minds: What's Happened to Our High Schools?* San Francisco, CA: Pacific Research Institute for Public Policy, 1994. This book discusses how high schools have evolved. The author argues that until we understand the history of high schools, we can't try and implement meaningful reforms. Chapter 7 analyzes the issues inherent in the school choice controversy.

POLICY CONSIDERATIONS

Items in this category include research papers, policy briefs, journal articles, and other studies that discuss the policy issues that school choice provokes. Some of the topics covered include: funding, segregation, equity, competition, decentralization, roles of families, schools, districts, states and communities.

Addonizio, Michael. *School Choice: Economic and Fiscal Perspectives.* Indiana University: Education Policy Center, 1994. This paper applies economic concepts to several school choice issues. The author argues that successful school choice schemes must consider numerous factors that may increase the overall cost of public education, such as: 1. increasing parents' ability to take advantage of choice programs; 2. increasing schools' diversification or improvement; 3. supporting private education and expanding public education benefits to private students; 4. decreasing school size; and 5. modifying school finance systems.

Bierlein, Louann, Kim Sheane, and Lori Mulholland. *A National Review of Open Enrollment/Choice: Debates and Description.* Tempe, AZ: Morrison Institute of Public Affairs, 1993. This paper describes the current situation with school choice in the United States. Included are definitions of choice; a historical review of the topic; descriptions of specific programs; the appeal of choice; specific aspects of the school choice debate; and national and state by state summaries of choice programs.

Bhagavan, Manu. "The Discourse of School Choice in the United States." *The Educational Forum* 60 (Summer 1996): 317-25. This article discusses the different types of school choice, controlled (public only) and unlimited (vouchers); reviews the main arguments of those who oppose any type of school choice; and offers choice options.

Biller, Lowell. "School Choice: An Educational Myth or Panacea." *NASSP Bulletin* 79, no. 572 (September 1995): 33-40. The author presents data on survey results revealing increased support for school choice in the United States and then goes on to discuss four examples of choice being infused into public education. The four examples given are: East Harlem, Charter Schools, Milwaukee, and business and education partnerships. He concludes with a discussion that recognizes the potential benefits of these types of choice programs but also argues that fundamental changes need to occur within society, the regulating agencies, and the educational system before long-term benefits will result.

Centre for Educational Research and Innovation. *School: A Matter of Choice*. Paris, France: Organisation for Economic Co-operation and Development, 1994. This report discusses policy approaches to school choice in Australia, England, the Netherlands, New Zealand, Sweden, and the United States. The authors find no direct correlation between choice and school performance, however they did find that choice enhanced other school characteristics like stronger leadership and increased consumer satisfaction. Negative impacts of choice are also discussed, such as, increased social segregation and challenges to system-wide policy implementation.

Clune, William H., and John F. Witte (Eds). *Choice and Control in American Education*. The Theory of Choice and Control in American Education, vol. 1. Bristol, PA: The Falmer Press, 1990. The first volume of this series offers chapters from multiple authors on the theoretical issues related to choice. Topics covered include: monopoly and competition; public policy issues related to choice; local control; commentaries on parent and family choice; comparing education and health care; the role of community in choice; and the relationship between decentralization and choice.

Clune, William H., and John F. Witte (Eds). *Choice and Control in American Education*. The Practice of Choice, Decentralization and School Restructuring, vol. 2. Bristol, PA: The Falmer Press, 1990. The second volume of this series provides information about the most common forms of contemporary educational change. Detailed descriptions of particular programs are provided as are data about the effects of such programs. Six types of change are reviewed in the chapters by multiple authors: school based management, magnet schools, democratic localism, teacher empowerment and professionalism, state differential treatment of schools, and curriculum controls.

Cookson, Jr., Peter W. (Ed). *The Choice Controversy*. Newbury Park, CA: Corwin Press, 1992. Cookson and others address critical questions in the hotly debated issue of school choice. The book is divided into two parts: Part I, Democracy, Choice, and Markets and Part II, Private and Public School Choice. Questions addressed in the chapters include: What does choice mean in a democratic society?, Who is behind the choice movement?, Do private schools outperform public schools and should they be included in school choice plans?, How does choice address the needs of at-risk students and will it lead to higher student achievement?

First, Patricia F. "Educational Choice: Practical Policy Questions." Maine, 1990. ED325933. This paper discusses educational finance and logistical concerns that arise through various types of public school choice, including interdistrict choice, postsecondary options, controlled choice, and magnet schools.

Frick, William. "A Teacher Examines School Choice Reform." *Childhood Education* 70, no. 4 (Sum 1994): 194-95. This article examines the school choice movement and argues that the movement will gradually put the functions of public education into private hands with public funds going to support private schools.

Jones, Wayne A., and Frank Ambrosie. "What Are the Challenges Inherent in Schools of Choice?" *NASSP Bulletin* 79, no. 572 (September 1995): 21-32. This article discusses the challenges of specific school choice plans. Definitions of different types of public school choice are provided; common characteristics of and local debates about privatization are discussed; some reports evaluating the effects of choice are summarized; and the roles of parents, competition, regulations, unions, finances, and bureaucracies in school choice are briefly discussed.

McGovern, John E. "Silent Money: Political Persuasion and Public Policy." *Momentum* 24, no. 4 (Nov-Dec 1993): 21-25. Discusses the role that Political Action Committees (PACs) have played in school choice initiatives in public school systems nationwide. Suggests that the popular opinion is in favor of school choice but that the PACs, through their overwhelming resources, are preventing its implementation in school districts nationwide.

Nathan, Joe (Ed.). *Public Schools By Choice: Expanding Opportunities for Parents, Students, and Teachers*. Bloomington, IN: Meyer Stone Books, 1989. This book contains chapters from various authors on the Rationale for Public School Choice, Experiencing Public School Choice, and the Future of Public School Choice. Some specific topics addressed include the role of parents in choice, an educational policy agenda for school choice, productivity and choice, schools of choice in Cambridge, East Harlem, Florida, and Minnesota, reflections on school choice over the last twenty years, and choices for the future.

Negroni, Peter J. "Radical Reform: Reorganization and Resolve for Educational Equity." *Journal of Education* 176, no. 2 (1994): 37-43. The author discusses the use of a universal choice plan as a leverage for school improvement in Massachusetts. The education reform movement is examined in terms of change coupled with the development of four transformations: organizational, pedagogical, social/attitudinal, and political.

Randall, Ruth, and Keith Geiger. *School Choice: Issues and Answers*. Bloomington, IN: National Educational Service, 1991. This book looks at school choice from a policy perspective. Perspectives on choice are presented from policymakers Rudy Perpich (former MN Governor) and Ruth Randall (a former MN Commissioner of Education); Keith Geiger explores the conditions needed in order for the National Education Association to support choice; issues addressed in legislation in eight states are summarized; a choice case study on MN discussing the role of parents and students is described; and major challenges facing successful school choice are outlined.

Randall, Ruth. "Putting Public School Choice Into Perspective: A New Paradigm." Nebraska, 1990. ED352736. A new paradigm for putting school choice into perspective is offered in this paper, which argues that the administrative model of setting standards and increasing funding is not working for American schools. The author discusses advantages of public school choice programs as well as the results of public opinion polls on the topic. A triad based on policy, consumer information, and learning environment is described.

Smith, Geoffrey P. "I Like the Idea of Choice, and I Want to Tell You Why." *Educational Leadership* 50, no. 6 (Mar 1993): 66. Using educational vouchers will aggravate an already fragmented system, however public schools of choice are desirable because they permit diverse teaching/learning styles, curricular emphases, or organizational structures to coexist within one educational agency.

Tucker, Allyson, and William F. Lauber. *School Choice Programs: What's Happening in the States*. Washington, DC: Heritage Foundation, 1995. This documents provides a state-by-state description and comparison of public and private

school choice programs in the United States; a list of state school choice contacts; and a glossary of school choice terms. A revised edition is scheduled to be released in Fall, 1996.

Walford, Geoffrey. "Diversity and Choice in School Education: An Alternative View." *Oxford Review of Education* 22, no. 2 (1996): 143-54. This article traces the development of policies on school choice. It is argued that policies must reflect the wider social and political context that surrounds the choice movement. The author discusses issues of equity as they relate to choice, specifically how new forms of selection have accompanied increased choice leading to problems of social segregation.

Witte, John F. *Choice in American Education*. Robert M. La Follette Institute of Public Affairs: University of Wisconsin-Madison, 1990. The author identifies and analyzes various school choice programs, public and private; discusses the commonalities of different types of plans, the differences among plans, the arguments for and against choice in education, the relationship between choice and student achievement, and policy issues that states encounter in administering choice plans.

EQUITY CONCERNS

These items discuss the equity issues that arise as a result of school choice. Many argue that choice leads to inequities, especially for children from disadvantaged backgrounds.

Cookson, Jr., Peter W. (Ed). *The Choice Controversy*. Newbury Park, CA: Corwin Press, 1992. Cookson and others address critical questions in the hotly debated issue of school choice. The book is divided into two parts: Part I, Democracy, Choice, and Markets and Part II, Private and Public School Choice. Questions addressed in the chapters include: What does choice mean in a democratic society?, Who is behind the choice movement?, Do private schools outperform public schools and should they be included in school choice plans?, How does choice address the needs of at-risk students and will it lead to higher student achievement?

Fowler-Finn, Thomas. "Why Have They Chosen Another School System?" *Educational Leadership* 51, no. 4 (Dec-Jan 1993-94): 60-62. The author discusses problems with the Massachusetts school choice program, such as, the flight of students and dollars from inner city districts to wealthy suburban districts and the impact choice has had on the racial composition of districts.

Gainey, Donald D. "Public School Choice: Let the Education Buyer Beware." *NASSP Bulletin* 79, no. 572 (September 1995): 62-68. A competitive educational choice system raises questions about inequities. If public schools are competing for the best and brightest students and worrying about marketing their schools, students with special needs and the instructional program will suffer. The author argues that choice programs need to address problems of equity and quality.

Negroni, Peter J. "Radical Reform: Reorganization and Resolve for Educational Equity." *Journal of Education* 176, no. 2 (1994): 37-43. The author discusses the use of a universal choice plan as a leverage for school improvement in Massachusetts. The education reform movement is examined in terms of change coupled with the development of four transformations: organizational, pedagogical, social/attitudinal, and political.

Uchitelle, Susan. *School Choice: Issues and Answers. Fastback 348*. Bloomington, IN: Phi Delta Kappa Educational Foundation, 1993. Issues in school choice are discussed. The author provides a historical background of the school choice movement, highlights existing school choice plans in the U.S., discusses conditions necessary for accessible and equitable choice programs; and offers recommendations on issues like transportation, parent involvement, and equity.

Walford, Geoffrey. "Diversity and Choice in School Education: An Alternative View." *Oxford Review of Education* 22, no. 2 (1996): 143-54. This article traces the development of policies on school choice. It is argued that policies must reflect the wider social and political context that surrounds the choice movement. The author discusses issues of equity as they relate to choice, specifically how new forms of selection have accompanied increased choice leading to problems of social segregation.

STUDENTS WITH DISABIILITIES

These studies, most of them from the University of Minnesota, discuss the impact of school choice on students with disabilities.

Henderson, Robert A. "Worldwide School Reform Movements and Students with Disabilities." *British Journal of Special Education* 22, no. 4 (Dec 1995): 148-51. This article considers the effects of various education reform movements in English speaking countries on students with disabilities. Movements discussed include: decentralization, integration and inclusions, school choice systems, standards, testing. The author's conclusion is that most of these movements disregard negative effects on students with disabilities.

Lange, Cheryl M. "School Choice and Students with Disabilities: The Practice and the Policy." University of Minnesota and the U.S. Department of Education, Research Report No. 17, September 1995. This report discusses the impact of school choice on students with disabilities. Three Minnesota school choice options (open enrollment, High School Graduation Incentives, and Postsecondary Options), studied over a five year period, are presented along with the implications these programs have had on students with disabilities.

Lange, Cheryl M. and James E. Ysseldyke. "Desired Results of Second Chance Programs." University of Minnesota and the U.S. Department of Education, Research Report No. 13, June 1995. This paper examines whether the desired outcomes of schooling for students attending alternative schools are similar to those for students attending typical high schools. Integrated into the report are the results of a meeting established to review and reach consensus on indicators of educational outcomes for students in alternative schools.

Lange, Cheryl M., James E. Ysseldyke and Thomas J. Delaney. "Open Enrollment's Impact on School Districts When Students with Disabilities Transfer Schools." University of Minnesota and the U.S. Department of Education, Research Report No. 14, June 1995. This study determines the impact transferring students with disabilities have had on open enrollment school districts in Minnesota. Gain or loss of students, implementation issues, special education, funding and planning, personnel's perceptions, and characteristics of net gain and net loss districts are explored.

TEACHERS

These items discuss the impact school choice has on teachers, including teachers' attitudes and feelings about school choice and how their roles change as a result of school choice.

Clune, William H., and John F. Witte (Eds). *Choice and Control in American Education*. The Practice of Choice, Decentralization and School Restructuring, vol. 2. Bristol, PA: The Falmer Press, 1990. The second volume of this series provides information about the most common forms of contemporary educational change. Detailed descriptions of particular programs are provided as are data about the effects of such programs. Six types of change are reviewed in the chapters by multiple authors: school based management, magnet schools, democratic localism, teacher empowerment and professionalism, state differential treatment of schools, and curriculum controls.

Frick, William. "A Teacher Examines School Choice Reform." *Childhood Education* 70, no. 4 (Sum 1994): 194-95. This article examines the school choice movement and argues that the movement will gradually put the functions of public education into private hands with public funds going to support private schools.

Maranto, Robert, and Scott Milliman. "How Teachers View School Choice." Lafayette College; James Madison University, 1996. This paper summarizes a survey of teachers' attitudes towards school choice. About 1000 teachers were surveyed, only 25% of public teachers supported choice involving private schools, while 75% of private teachers did. Also discussed in the paper are opinions on choice from union and non-union teachers and teachers from inner city and suburban schools.

VOUCHERS

These items discuss the role of vouchers in school choice and argue the pros and cons of a voucher system. Studies about Milwaukee's voucher system are provided, as well as other studies that were done to look at the feasibility of a voucher system at the state level. A study comparing the states that are looking at or currently have voucher programs is also included.

Beales, Janet R. "Survey of Education Vouchers and Their Budgetary Impact on California." *Policy Insight*, no. 144 (Aug 1992). Findings of a study that investigated the feasibility of educational vouchers for California education and their budgetary impact are presented in this report.

Billingsley, K.L. (Ed.) *Voices on Choice: The Education Reform Debate*. California: Corwin Press, 1994. This collection presents opinions of both proponents and opponents of school choice from a variety of perspectives, including academics, bureaucrats, politicians, union leaders, economists, lawyers, parents, and activists. Both public school choice and public/private (vouchers) are discussed as well as how choice impacts communities of color. There are a total of 15 essays on various topics relating to school choice.

Carnegie Foundation for the Advancement of Teaching. *School Choice. A Special Report with a Foreword by Ernest Boyer*. Princeton, NJ: Carnegie Foundation for the Advancement of Teaching, 1992. This report encompasses many important aspects of the choice debate. A definition of choice and review of the literature are provided; survey results on parents' and students' attitudes on choice are reviewed; successful public school choice programs are highlighted; and problems with Milwaukee's voucher program are discussed.

Greene, Jay P., and Paul E. Peterson, Jiangtao Du, Lisa Boerger and Curtis L. Frazier. The Effectiveness of School Choice in Milwaukee: Secondary Analysis of Data from the program's Evaluation. Paper prepared for presentation before hte Panel on the Political Analysis of Urban School Systems at the August-September 1996 nmeeting of the American Political Science Assocation. San Francisco, CA:1996. This analysis presents findings on the effects vouchers have had on students in the Milwaukee school choice program. The paper found positive effects on student achievement for students who participated in the choice program for three or or four years.

Kemerer, Frank R, and Kimi Lynn King. "Are School Vouchers Constitutional?" *Phi Delta Kappan* 77, no. 4 (December 1995): 307-11. The authors identify emerging judicial perspectives regarding the constitutionality of school vouchers under both federal and state laws and discuss the factors that predispose a court to look with favor on a voucher program.

Lewis, John F. "Saying No to Vouchers: What Is the Price of Democracy?" *NASSP Bulletin* 79, no. 572 (September 1995): 41-51. This article argues that school choice, particularly vouchers, is a strategy that avoids the real problems schools are facing in the United States.

Manski, Charles F. "Educational Choice (Vouchers) and Social Mobility." *Economics of Education Review* 11, no. 4 (Dec 1992): 351-69. This article discusses the impact vouchers will have on low income students. The author argues that poor children will not be better off under a voucher system because it would fail to equalize educational opportunity across income groups.

Shanker, Albert. "Public Vs. Private Schools." *Phi Delta Kappan* 73, no. 4 (Fall 1993): 14-17. This discussion on the utility of educational vouchers to equalize educational opportunity focuses on the differences between public and private school and whether vouchers address those differences.

Tucker, Allyson, and William F. Lauber. *School Choice Programs: What's Happening in the States*. Washington, DC: Heritage Foundation, 1995. This documents provides a state-by-state description and comparison of public and private school choice programs in the United States; a list of state school choice contacts; and a glossary of school choice terms. A revised edition is scheduled to be released in Fall, 1996.

Walthers, Kevin. "Saying Yes to Vouchers: Perception, Choice, and the Educational Response." *NASSP Bulletin* 79, no. 572 (September 1995): 52-61. This article argues that school choice, particulary vouchers, holds the promise of elevating teaching to professional status, raising levels of student achievement, and restoring the confidence of the taxpaying public in education.

Weldon, Ward. "Improving the Effectiveness of Compensatory Education Funding." *Urban Education* 28, no. 3 (Oct 1993): 300-12. Four ways of providing additional funds for low-income children are compared: separate programs, district wide discretionary funding, building-wide funding, and vouchers.

MARKET-DRIVEN SYSTEM/COMPETITION

These items discuss the role of competition in public education. Many argue that school choice will create a competitive climate where schools will have to succeed or they will lose students and funding to better schools. Others argue that competition will have a negative impact on student learning because educators will have to worry about competing with each other instead of focusing on teaching.

Clune, William H., and John F. Witte (Eds). *Choice and Control in American Education*. The Theory of Choice and Control in American Education, vol. 1. Bristol, PA: The Falmer Press, 1990. The first volume of this series offers chapters from multiple authors on the theoretical issues related to choice. Topics covered include: monopoly and competition; public policy issues related to choice; local control; commentaries on parent and family choice; comparing education and health care; the role of community in choice; and the relationship between decentralization and choice.

Cookson, Jr., Peter W. (Ed). *The Choice Controversy*. Newbury Park, CA: Corwin Press, 1992. Cookson and others address critical questions in the hotly debated issue of school choice. The book is divided into two parts: Part I, Democracy, Choice, and Markets and Part II, Private and Public School Choice. Questions addressed in the chapters include: What does choice mean in a democratic society?, Who is behind the choice movement?, Do private schools outperform public schools and should they be included in school choice plans?, How does choice address the needs of at-risk students and will it lead to higher student achievement?

Coulson, Andrew. "Markets Versus Monopolies in Education: The Historical Evidence." *Education Policy Analysis Archives* 4, no. 9 (June 12 1996). Supporters of pubic schooling maintain that the field would be adversely affected by competition and choice, or that the effects would be insubstantial. Conversely, critics argue that education would respond to market incentives resulting in improved performance, increased attention to families, and greater innovation. This article presents historical information indicating that economic pressures have forced schools in competitive markets to better meet the needs of families and children (than traditional centralized schools) resulting in advancements in pedagogy and curriculum.

Jones, Wayne A., and Frank Ambrosie. "What Are the Challenges Inherent in Schools of Choice?" *NASSP Bulletin* 79, no. 572 (September 1995): 21-32. This article discusses the challenges of specific school choice plans. Definitions of different types of public school choice are provided; common characteristics of and local debates about privatization are discussed; some reports evaluating the effects of choice are summarized; and the roles of parents, competition, regulations, unions, finances, and bureaucracies in school choice are briefly discussed.

Osborne, David, and Ted Gaebler. "Public Education: A Case Study." In *Reinventing Government: How the Entrepreneurial Spirit is Transforming the Public Sector*, 93-107. New York: Penguin Books, 1992. The chapter argues that giving parents choices is not enough. A competitive system is needed in order to make schools more accountable for improved student learning. The authors review the history of Minnesota's choice system which resulted in the passage of the first Charter School legislation and respond to criticism about equity issues in both public and voucher school choice programs.

POST-SECONDARY OPTIONS/ENROLLMENT

Most of these studies provide a description and/or discuss the effectiveness of Minnesota's post-secondary options program.

Archibald, Doug A. *The Minnesota Postsecondary Options Law: A Case of Choice*. Center for Policy Research in Education, 1990. This paper discusses the origins, political context, and controversy surrounding the 1985 Minnesota Postsecondary Enrollment Options Act.

Charner, Ivan, and Others. "Reforms of the School-to-Work Transition: Findings, Implications, and Challenges." *Phi Delta Kappan* 77, no. 1 (Sep 1995): 40-60. This article summarizes findings of the National Institute for Work and Learning study of 14 school-to-work transition programs. Success depends on various factors including access to postsecondary options, and school and work-based learning opportunities and choices.

First, Patricia F. "Educational Choice: Practical Policy Questions." Maine, 1990. ED325933. This paper discusses educational finance and logistical concerns that arise through various types of public school choice, including interdistrict choice, postsecondary options, controlled choice, and magnet schools.

Lange, Cheryl M. "School Choice and Students with Disabilities: The Practice and the Policy." University of Minnesota and the U.S. Department of Education, Research Report No. 17, September 1995. This report discusses the impact of school choice on students with disabilities. Three Minnesota school choice options (open enrollment, High School Graduation Incentives, and Postsecondary Options), studied over a five year period, are presented along with the implications these programs have had on students with disabilities.

Sanchez, Karen, and others. *Educational Choice. Policy Bulletin No. 9*. Indiana University: Education Policy Center, 1990. This document identifies various forms of public school choice and describes existing programs across the U.S. They explore various choices such as magnet and alternative schools and open enrollment; they also look at what facilitates effective choice programs and what are some of the tensions surrounding the choice movement.

ALTERNATIVE SCHOOLS/AT-RISK STUDENTS

These studies and articles discuss the evolution of alternative schools, schools of choice that have existed for many years now, primarily serving students at-risk of dropping out of high school, and the impact these schools have had on the students they serve.

Brandt, Ron. "On Public Schools of Choice: A Conversation with Seymour Fliegel." *Educational Leadership* 48, no. 4 (Dec-Jan 1990-91): 20-25. When has was director of alternative schools and deputy superintendent of NY City's district four in the 70's and 80's, Fliegel created a districtwide free choice plan and a nationally recognized network of 24 alternative concept schools. In this interview with Ron Brandt, Fliegel argues the merits of choice and suggests ways for schools to implement such programs.

Lange, Cheryl M. "School Choice and Students with Disabilities: The Practice and the Policy." University of Minnesota and the U.S. Department of Education, Research Report No. 17, September 1995. This report discusses the impact of school choice on students with disabilities. Three Minnesota school choice options (open enrollment, High School

Graduation Incentives, and Postsecondary Options), studied over a five year period, are presented along with the implications these programs have had on students with disabilities.

Lange, Cheryl M. and Sandra J. Sletten. "Characteristics of Alternative Schools and Programs Serving At-Risk Students." University of Minnesota and the U.S. Department of Education, Research Report No. 16, September 1995. This paper examines the characteristics of Minnesota's second chance programs for at-risk students. Program characteristics, admission/exit policies, special education, curriculum and student progress, student tracking and follow-up, student and staff characteristics, and organization and decision-making are investigated.

Sanchez, Karen, and others. *Educational Choice. Policy Bulletin No. 9*. Indiana University: Education Policy Center, 1990. This document identifies various forms of public school choice and describes existing programs across the U.S. They explore various choices such as magnet and alternative schools and open enrollment; they also look at what facilitates effective choice programs and what are some of the tensions surrounding the choice movement.

Winborne, Duvon G. "Will School Choice Meet Students' Needs? Principals' Views." *Education and Urban Society* 23, no. 2 (Feb 1991): 208-18. Urban school principals are surveyed about desirable alternative education programs for low achieving students. Effective schools and programs are identified and the evolving role of the principals is examined.

PARENTS/COMMUNITY

These items discuss the roles of parents and communities in school choice and identify what parents look for when they choose schools.

Carnegie Foundation for the Advancement of Teaching. *School Choice. A Special Report with a Foreword by Ernest Boyer*. Princeton, NJ: Carnegie Foundation for the Advancement of Teaching, 1992. This report encompasses many important aspects of the choice debate. A definition of choice and review of the literature are provided; survey results on parents' and students' attitudes on choice are reviewed; successful public school choice programs are highlighted; and problems with Milwaukee's voucher program are discussed.

Clune, William H., and John F. Witte (Eds). *Choice and Control in American Education*. The Theory of Choice and Control in American Education, vol. 1. Bristol, PA: The Falmer Press, 1990. The first volume of this series offers chapters from multiple authors on the theoretical issues related to choice. Topics covered include: monopoly and competition; public policy issues related to choice; local control; commentaries on parent and family choice; comparing education and health care; the role of community in choice; and the relationship between decentralization and choice.

Glenn, Charles L., Kahris McLaughlin, and Laura Salganik. *Parent Information for School Choice: The Case of Massachusetts*. Boston, MA: Center on Families, Communities, Schools, and Children's Learning, 1993. This document presents findings from a multi-year study looking at why parents make choices of schools, and the adjustments that schools make to convince parents to choose them. Specific school choice plans in Massachusetts are investigated as well as a broader review of the policies and experiences in other cities and countries that have implemented school choice programs.

Goldring, Ellen B, and Patricia A. Bauch. "Parent Involvement and School Responsiveness: Facilitating the Home-School Connection in Schools of Choice." Tennessee, 1993. ED358532. Data from a larger study focusing on seven schools within three types of school choice (catholic, single-focus magnet, and multi-focus magnet) are summarized. Some key findings: families prefer different choice arrangements; parents choose schools mostly for academic reasons; catholic schools are most effective at engaging parents.

McArthur, Edith, Kelly W. Colopy, and Beth Schlaine. *Use of School Choice*. Washington, DC: National Center for Education Statistics, U.S. Department of Education, 1995. This policy brief presents findings from a 1995 survey, conducted by the National Center for Education Statistics, on parents' use of school choice in the United States.

Nathan, Joe (Ed.). *Public Schools By Choice: Expanding Opportunities for Parents, Students, and Teachers*. Bloomington, IN: Meyer Stone Books, 1989. This book contains chapters from various authors on the Rationale for Public School Choice, Experiencing Public School Choice, and the Future of Public School Choice. Some specific topics addressed include the role of parents in choice, an educational policy agenda for school choice, productivity and choice, schools of choice in Cambridge, East Harlem, Florida, and Minnesota, reflections on school choice over the last twenty years, and choices for the future.

Weld, William F., Paul Celluci, and Piedad F. Robertson. *School Choice in Massachusetts: Why Parents Choose Choice*. Boston, MA: The Executive Office of Education, 1994. Date obtained through a survey conducted in 1993 of families participating in Massachusetts' school choice program are presented in this document. The objective of the survey was to determine why parents choose choice. In addition to the results of the survey, the report provides a history of the school choice law in Massachusetts and discusses future issues facing school choice in the state.

MAGNET SCHOOLS

Magnet schools have been operating as schools of choice for quite some time now. These studies look at the impact these schools have had on the students and communities they serve.

Clune, William H., and John F. Witte (Eds). *Choice and Control in American Education*. The Practice of Choice, Decentralization and School Restructuring, vol. 2. Bristol, PA: The Falmer Press, 1990. The second volume of this series provides information about the most common forms of contemporary educational change. Detailed descriptions of particular programs are provided as are data about the effects of such programs. Six types of change are reviewed in the chapters by multiple authors: school based management, magnet schools, democratic localism, teacher empowerment and professionalism, state differential treatment of schools, and curriculum controls.

First, Patricia F. "Educational Choice: Practical Policy Questions." Maine, 1990. ED325933. This paper discusses educational finance and logistical concerns that arise through various types of public school choice, including interdistrict choice, postsecondary options, controlled choice, and magnet schools.

Rosado, Robert J. "Developing Schools of Choice to Increase Learning Opportunities for Elementary School Children." New Jersey, 1992. ED355006. This paper discusses a program in New Jersey designed to create at least four magnet school options, reduce the suspension rate and student referral rate for special education, decrease the number of students needing basic skills services; and develop new means of assessing students.

Sanchez, Karen, and others. *Educational Choice. Policy Bulletin No. 9.* Indiana University: Education Policy Center, 1990. This document identifies various forms of public school choice and describes existing programs across the U.S. They explore various choices such as magnet and alternative schools and open enrollment; they also look at what facilitates effective choice programs and what are some of the tensions surrounding the choice movement.

OPEN ENROLLMENT/INTER-DISTRICT AND INTRA-DISTRICT CHOICE

This section includes items that broadly cover the issue of public school choice and open enrollment. Definitions are provided as are examples of types of programs and the impacts choice has (or has had) on states, districts and schools.

First, Patricia F. "Educational Choice: Practical Policy Questions." Maine, 1990. ED325933. This paper discusses educational finance and logistical concerns that arise through various types of public school choice, including interdistrict choice, postsecondary options, controlled choice, and magnet schools.

Lange, Cheryl M., James E. Ysseldyke and Thomas J. Delaney. "Open Enrollment's Impact on School Districts When Students with Disabilities Transfer Schools." University of Minnesota and the U.S. Department of Education, Research Report No. 14, June 1995. This study determines the impact transferring students with disabilities have had on open enrollment school districts in Minnesota. Gain or loss of students, implementation issues, special education, funding and planning, personnel's perceptions, and characteristics of net gain and net loss districts are explored.

Lange, Cheryl M. "School Choice and Students with Disabilities: The Practice and the Policy." University of Minnesota and the U.S. Department of Education, Research Report No. 17, September 1995. This report discusses the impact of school choice on students with disabilities. Three Minnesota school choice options (open enrollment, High School Graduation Incentives, and Postsecondary Options), studied over a five year period, are presented along with the implications these programs have had on students with disabilities.

INTERNATIONAL

These reports look at school choice from an international perspective. Descriptions of school choice programs in other countries are provided as well as cross-country comparisons of school choice.

Centre for Educational Research and Innovation. *School: A Matter of Choice*. Paris, France: Organisation for Economic Co-operation and Development, 1994. This report discusses policy approaches to school choice in Australia, England, the Netherlands, New Zealand, Sweden, and the United States. The authors find no direct correlation between choice and school performance, however they did find that choice enhanced other school characteristics like stronger leadership and increased consumer satisfaction. Negative impacts of choice are also discussed, such as, increased social segregation and challenges to system-wide policy implementation.

Henderson, Robert A. "Worldwide School Reform Movements and Students with Disabilities." *British Journal of Special Education* 22, no. 4 (Dec 1995): 148-51. This article considers the effects of various education reform movements in English speaking countries on students with disabilities. Movements discussed include: decentralization, integration and inclusions, school choice systems, standards, testing. The author's conclusion is that most of these movements disregard negative effects on students with disabilities.

NEIGHBORHOOD SCHOOLS

How choice and neighborhood schools fit together is an emerging policy consideration as districts move towards the creation of more neighborhood schools. This author argues that choice will negatively impact neighborhood schools.

Hlebowitsh, Peter S. "Can We Find the Traditional American School in the Idea of Choice?" *NASSP Bulletin* 79, no. 572 (September 1995): 1-11. This article provides an overview of the debate surrounding public school choice and discusses the potential threat choice poses to the core purpose of public education. The author argues that choice creates specialized school settings, like magnet schools, that do not offer the type of comprehensive public education that this country has historically provided. He goes on to further discuss the benefits of neighborhood schools, many of which are negatively impacted by schools of choice because they lose students and community support.

INTRA-SCHOOL CHOICES

A third definition or type of school choice emerges with this article which argues that intra-school choice is critical to student success.

Matthews, L. Joseph, and J. Merrell Hanson. "Choice Within Schools Can Help Students, Schools, and Society." *NASSP Bulletin* 79, no. 572 (September 1995): 69-76. The authors argue that real choice gives students options and alternatives within their own school, not just between schools. Ideas for developing choices within a secondary school are explored: choices of teachers, behavior management plan, curriculum offerings, and graduation requirements.

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State Authority to Control the Schools

This table describes the various degrees of state control as defined by state laws and constitutions.

CENTRALIZED DECISIONMAKING	MODERATELY DECENTRALIZED DECISIONMAKING	DECENTRALIZED DECISIONMAKING	
Typical features: ✓ Statewide prescription of course of study and textbook adoption ✓ State code is narrow or restrictive: unless local district is given authority, it is presumed not to have authority	Typical features: ✓ State boards and chief state school officers have some authority over curriculum ✓ Long-standing, high stakes test (i.e., New York Regents exam or minimum competency testing, etc.) ✓ Elected chiefs/more authority of chief state school officer	Typical features: ✓ Allocation of authority favors local discretion ✓ Legislative mandates (i.e., courses) significant but not overwhelming ✓ Curricular requirements merely listed in statute without specification as to amount of time to be devoted to each course ✓ Classification of grade structure left mostly to local districts (i.e., grouping schemes, standards for promotion grade and grade-level placement) ✓ State agency has no real statutory power to control local education program; is there to "assist districts" ✓ Modest relationship between weak state authority over curriculum and appointed chief state school officer	
Alabama Arizona Arkansas Delaware Florida Georgia Indiana Kentucky Louisiana Mississippi New Mexico North Carolina South Carolina Tennessee Utah Virginia West Virginia	California Hawaii (single district) Maine Michigan Nevada New Jersey New York Oklahoma Oregon Texas	Alaska Colorado Connecticut Idaho Illinois Iowa Kansas Maryland Massachusetts Minnesota Missouri Territories: Puerto Rico	Montana Nebraska New Hampshire North Dakota Ohio Pennsylvania Rhode Island South Dakota Vermont Washington Wisconsin Wyoming

Other areas that may influence:
collective bargaining (policy trust agreements, etc.); special education; bilingual education; charter schools/choice; revision of state education code; finance litigation or other general litigation; state constitutions

Source: ECS Information Clearinghouse revision of 1976 classification done by Tyll van Geel, **Authority to Control the School Program**. Note: The intent of this chart is not to imply that any one classification is better/worse than another.

Clearinghouse NOTES . . . . . INCENTIVES/SANCTIONS

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LEARNFARE:

"Learnfare" refers to state-level programs linking education to welfare benefits for teen parent recipients. Some common elements among the various state programs are:

* Receipt of welfare benefits for teen parents may be tied to strong school attendance and living at home.

* States may provide cash bonuses for a high school diploma or GED certificate.

* States may require dropouts to sign a personal responsibility contract that details a commitment to get a diploma and enter the work force.

* States may require teens to live at home or with a responsible adult.

* Welfare parents may be denied some benefits if their children are frequently truant.

"Learnfare States"

Alaska	Louisiana	Ohio (89)
Arkansas	Maryland	Oklahoma
California	Massachusetts	Oregon
Colorado	Mississippi	South Carolina (95)
Delaware	Montana	Texas
Florida	Nebraska	Vermont
Illinois (95)	Nevada (94)	Virginia
Indiana	New York	Wisconsin[1]
Iowa	North Carolina	Wyoming

1. Wisconsin was the first state to adopt such a plan, which was implemented in 88-89.

(Source: *Current Developments*, National Governors' Association, May 15, 1996, and ECS)

Clearinghouse NOTES . . . . . INCENTIVES/SANCTIONS

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STATES WITH "NO PASS/NO DRIVE" RESTRICTIONS

March 1996

Typically, if a high school student under the compulsory attendance age misses a certain number of consecutive days, (i.e., 10 in West Virginia) without an acceptable excuse or 15 unexcused days in one semester, the school notifies the Motor Vehicle Department. This department then sends a notice or license suspension to the student. If the student does not surrender the license by the 30th day following notification, a police officer picks it up. To qualify for reissuance, the student must pay a fee and fulfill a probationary attendance period, typically of four weeks to one semester.

Arkansas
California (permits juvenile court to suspend, restrict or delay if student is a habitual truant and a ward of the court)
Florida
Illinois (students cannot take driver training, which is required)
Indiana
Idaho
Kentucky
Louisiana
Mississippi
New Hampshire
Ohio
Tennessee
Texas
Virginia
West Virginia (first state, 1988)
Wisconsin (allows county, city or town to enact ordinance prohibiting suspension)

Proposed in 1996
Delaware, Iowa, Illinois (to revoke existing licenses of non-attendees), Maryland, Missouri, North Carolina, New Jersey, New Mexico, New York, Ohio (tied to passage of proficiency tests rather than to attendance), Rhode Island, , South Carolina, Tennessee and Virginia (both states are proposing to tie to academic progress rather than attendance - already have basic laws)

Compiled by ECS Information Clearinghouse

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Clearinghouse NOTES . . . . . PARENT/FAMILY

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Parental Involvement in Education

Increasingly, states are enacting legislation designed to increase parental involvement in the education process. States have addressed this issue in a variety of ways, such as requiring school districts to develop plans and policies to increase parental involvement, encouraging or directing employers to give parents time off from work to attend parent-teacher conferences or other school activities, encouraging parents to play a more active role in their children's education both at school and at home, as well as enacting parental rights legislation. In addition to the parental rights statutory provisions included below, constitutional amendments on parental rights have been introduced in at least 28 states over the past two years; however, none have been approved. In Colorado, a parental rights constitutional amendment included on the November 1996 ballot was defeated.

State	Enacted	Summary
AR	1983 (amended 95)	"Believing that parents, as the primary teachers of children, can be more effective in helping their children at home if they have close contact with the schools and are familiar with their expectations and that such parents' involvement will contribute to increased achievement by their children," the state Department of Education must establish a program to train parents as teachers. The program must include, but is not limited to: courses offered to parents via educational television and accompanying materials and study guides; identifying teachers who are skilled in instructing parents; encouraging and training parent participants to instruct other parents; and establishing a statewide public information campaign stressing the role parents can play in their children's achievement at school. Requires local matching funds to operate parents as teachers programs. Districts and parents are not required to participate in this program. §6-10-109
AZ	1987 (amended 95)	Local governing boards must develop a policy to promote the involvement of parents and guardians, including: parent participation in homework, attendance, discipline; review of curriculum and materials; and setting procedures by which parents can withdraw children from activities to which they object. Plans may also include how to make parents more aware of this section, including identifying opportunities for parents to participate in and support classroom instruction, act as shared decision makers, etc. §15-102
CA	1995	Requires Superintendent of Public Instruction to develop and recommend ways that parents, teachers, and school districts can increase parental responsibility and involvement in their children's education. The Superintendent is required to develop a model pupil-school-parent compact which districts can use to develop their own plans. Chapter 485, Statutes of 1995
	1995	Prohibits schools from administering tests, questionnaires, surveys, or examinations which contain questions about the student's or parents' personal beliefs or practices in sex, family life, morality, and religion to students in grades 1-12, unless the parent is notified of the test in writing and gives written permission. § 51513 Prohibition also applies to exams given as part of the statewide pupil assessment program. Allows parents to request in writing that their child be excused from statewide assessments. §§ 60614-60615
	1994	Prohibits employers with at least 25 employees from firing or discriminating against an employee for taking up to 40 hours leave each school year to participate in school-related activities, subject to a limitation of 8 hours in any calendar month. The employee must give reasonable notice to the employer and may be required to provide proof of attendance. If the parent is "discharged, threatened with discharge, demoted, suspended, or in any other manner discriminated against in terms and conditions of employment," he/she must be reinstated and reimbursed for lost wages and work benefits that are a result of the employer's action. § 230.8 (Labor Code)
CO	1996	Supports parental involvement in the public schools and encourages parents to visit their children's classrooms at least once a semester. Encourages businesses with more than 10 employees to allow each employee at least 2 hours per school semester to attend parent-teacher conferences, special presentations, and school-related committees. Also encourages the recognition of businesses that show their commitment to children and education through their understanding of the importance of parental involvement. SJR 15

State	Enacted	Summary
FL	1996	Adds parental involvement to state's education goals. Goal is for "communities, school boards and schools [to] provide opportunities for involving parents and guardians as active partners in achieving school improvement and education accountability." § 229.591
IL	1990	A district can use up to two days allowed for teachers' institutes to conduct parental institutes. The institutes are to be designed by the school district in consultation with the district's teaching staff, administrators, and parents' organizations. Institutes will provide information to parents which the district deems necessary to support the following purposes: enhance parental involvement in the education of the district's students; improve parental communication and involvement with the district; increase parental knowledge of child development, district programs, school conditions, and societal problems threatening students; and improve parental skill development. § 5/10-22.18d
IN	1995	Requires that mandatory school improvement plans include developing and maintaining efforts to increase parental involvement in educational activities. § 20-3.1-9-3
	1995	School corporations must allow parents to inspect all instructional materials used in connection with a personal analysis, evaluation, or survey concerning certain beliefs, affiliations, attitudes, behaviors, and habits. A student cannot be required to participate in a personal analysis, evaluation, or survey without the prior consent of the student (if he/she is an adult or emancipated minor) or the prior written consent of the student's parent if the student is an unemancipated minor. § 20-10.1-4-15
KS	1996	"It shall be the public policy of this state that parents shall retain the fundamental right to exercise primary control over the care and upbringing of their children in their charge." Allows parents to bring an action in state court or any other court of jurisdiction for claims arising under this provision. § 38-141
LA	1991	State superintendent must hold quarterly meetings attended by representatives from public and private agencies to discuss ways to coordinate policies that promote parental involvement. Requires State Board to submit an annual report to the governor and House/Senate Education Committees. Requires State Department of Education, local school boards, and schools to name parent advocates who will develop strategies to increase parental involvement, resolve complaints from parents, and improve communication between schools and parents. Establishes an information clearinghouse of parental involvement within the state Department. Authorizes demonstration grants to school boards and other public and private agencies to develop innovative family-school educational partnership activities. §§17:406-406.5
MA	1996	Establishes a demonstration project to assess various models of parent outreach programs. Universal implementation is to occur by 1/1/97. Participation by parents during the demonstration projects and thereafter is voluntary. 71§ 84
	1996	Requires school districts to formally adopt policies giving parents the flexibility to exempt kids from any portion of the sex education curriculum upon written notification to the principal. District policies must be distributed by 9/1/97 and each subsequent year to principals and the State Department of Education. Sex education instructional materials must be made accessible to parents and others for review "to the extent practicable." 71§ 32A
	1982	Requires that courses not included in the regular curriculum be taught if there are at least 150 pupils in the school; the parents of at least 30 pupils or 5% of students enrolled in the high school, whichever is less, make a written request before 8/1; a qualified teacher is available; and the course is approved by 2/3 of the school committee. 71§ 13
MI	1995	"It is the natural, fundamental right of parents and legal guardians to determine and direct the care, teaching, and education of their children. The public schools of this state serve the needs of the pupils by cooperating with the pupil's parents and legal guardians to develop the pupil's intellectual capabilities and vocational skills in a safe and positive environment." § 380.10
	1995	In recognition of the right stated above, parents are allowed to review the curriculum, textbooks, and teaching materials and to "be present, to a reasonable degree, and at reasonable times and subject to reasonable restrictions, controls, and limits, to observe instructional activity in a class or course..." "Instructional activity" does not include testing. Policies or guidelines adopted under this provision "shall not create an unreasonable obstacle to teaching or learning, or to administering or maintaining proper discipline in a school or school program." § 380.1137
MN	1994	Requires the Dept. of Children, Families, and Learning to develop guidelines and model plans for parent involvement programs. § 126.69
MS	1992	Requires the State Board of Education to establish an awards program to reward parents for becoming involved in school improvement efforts. Each district is required to designate a Parent of the Year and one parent will be designated Parent of the Year for the state. §37-3-73

State	Enacted	Summary
MS (cont.)	1992	Authorizes the State Board to establish an Alliance for Families program "to increase success in Mississippi public schools, K-12, by generating focused effective parent involvement." Parent involvement plans are to be developed on the district level. The objectives are: to engage parents in supporting the schools; implement effective communication between the home and school; train administrators to involve parents at home and at school and to develop community support; and promote reading as the "key curricular activity for parental focus." §§ 37-3-61 - 37-3-71
NC	1993	Allows parents in both the private and public sectors to take four hours of unpaid leave from work so that parents can visit their children's schools for parent-teacher conferences, to volunteer, or visit their child's class. The leave must be at an agreed upon time and the employer can require the employee to make a written request 48 hours prior to the leave as well as furnish written verification that he/she visited the school. § 95-28.3
	1993	Encourages schools to include a comprehensive parent involvement program in performance-based accountability plans. § 115C-238.8
NE	1994	Encourages parental involvement in the public schools and requires each school district to adopt a policy by 7/1/95 defining the rights of parents regarding: a) access to textbooks, tests, and curriculum materials; b) provisions for attending and monitoring courses, assemblies, counseling sessions, and instructional activities; c) filing requests to exempt students from testing, classroom instruction, and other activities which parents find objectionable; d) access to student or school records; e) testing policies; and f) student participation in surveys and removal from the surveys if parents find the survey instrument objectionable. §§ 79-4,242 - 79-4,245
OK	1995	Allows parents to inspect curriculum and materials used in sex education classes and requires superintendents to notify parents of their right of inspection. Also requires superintendents to approve sex education curriculum and materials. Permits optional participation in sex education classes or programs if parent makes a written request. 70 § 11-105.1
	1989	Directs the State Board of Education to establish a program encouraging private employers to give employees leave to attend parent-teacher conferences at least once each semester. Also directs the State Board to require school boards to develop initiatives promoting schools as congenial places for parents to visit. Establishes State Board policy to encourage public schools to explore outreach opportunities, such as agreements with parents. 70 §10-105.2
OR	1993	Recommends that school districts provide opportunities for parents to be involved in goals and decision making at the school site. Also recommends that employers recognize the value of parents and community members participating in the education process and encourages employers to extend appropriate leave to parents to allow greater participation during school hours. §329.125
SC	1993	Directs the state education department to develop a parent involvement program for grades 4-8. Goals include: improving parental participation in their child's progress at school; ensuring a smooth transition between levels of schooling and phases of education; increasing communication; and providing greater accountability between parents, schools, and children. The program should include regular school visits by parents and involving parents, teachers, and administrators in school training sessions on issues such as communication, student discipline, importance of homework, the taking and understanding of standardized testing and test scores, and general literacy. §59-1-454
TN	1989	A student may be excused from family life instruction upon a parent's written request after examining the instructional materials or conferring with the instructor, guidance counselor, or principal. A student cannot be penalized for grading purposes if he/she engages in alternative health or social studies lessons specifically assigned by the local board of education and if the student completes the lessons in a "timely and satisfactory manner." § 49-6-1303
	1989	Local boards must institute a program requiring parent-teacher conferences to be held twice a year for each student. § 49-6-7002
	1973	Local boards may develop a program for the voluntary participation of parents at school. Voluntary duties can include serving as an educational assistant, library assistant, hall monitor, recreation supervisor, as well as other activities that allow parents to observe school operations. A parent's participation must be varied. Local boards can periodically schedule alternate meetings to the regular PTA meeting to permit working parents to attend. § 49-6-7001

State	Enacted	Summary
TX	1995	"Parents are partners with educators, administrators, and school district boards of trustees in their children's education. Parents shall be encouraged to actively participate in creating and implementing educational programs for their children." Parents are entitled to reasonable access to school administrators to request a change in their child's class or teacher as long as the change would not impact other students. Parents can request that: a class be added as long it is consistent with the required curriculum and it is economically feasible; a child be allowed to attend a class for credit above his/her grade level unless the local board does not believe the child will succeed; their child be allowed to graduate from high school early if requirements are fulfilled. Parents must have access to all of their child's records, state assessments, teaching materials, textbooks, tests, board meetings, as well as full information regarding the child's school activities, with the exception of child abuse records. "An attempt by any school district employee to encourage or coerce a child to withhold information from the child's parent is grounds for discipline." Schools must obtain the parent's written consent before they may conduct a psychological exam or treatment, unless it relates to a child abuse investigation, or make a videotape or audio recording of the child, unless the videotape or recording relates to safety, extracurricular, or classroom instructional activities. Parents may make a written request to remove a child temporarily from a class or activity if it conflicts with the parent's religious or moral beliefs. A parent cannot remove their child to avoid a test or to prevent the child from taking a class for the whole semester. These rights do not "exempt a child from satisfying grade level or graduation requirements in a manner acceptable to the school district and the [state education department]." Requires local boards to adopt a procedure to address complaints concerning the violation of any of these rights. §§ 26.001-26.012
UT	1996	Creates policy to have state boards and LEA's work with employers to develop policies and programs that would allow greater employee participation in the education system during school hours. Directs local school boards to adopt parent involvement policies designed to build "consistent and effective communication" between parents, teachers, and administrators and give parents the opportunity to be actively involved in their child's education. Statute also includes the following policies: to expect that parents will provide a home environment that values education and that they will send their children to school prepared to learn; to rely on school districts to provide opportunities for parents to be involved in establishing and implementing education goals; and to expect employers to recognize the need for parents and the community to participate in the public education system. § 53A-1a-105
	1996	Allows the use of centennial school moneys to train teachers and administrators to interact with parents and parent advisory groups. Extends the program to the year 2000. Statutory provisions are repealed as of 6/30/00. §53A-1a-303
	1994	Encourages public schools to use student education occupation plans to expand parental involvement and choice by allowing students and their parents, in consultation with school personnel, to select teachers, courses, and learning experiences that best meet the needs and interests of students. § 53A-15-101
	1994	Prohibits the administering of psychological or psychiatric examinations, tests, treatments, or surveys, analyses, or evaluations, in which the purpose or "evident intended effect " is to cause the student to reveal information such as the student's or family members' religious or political affiliations and beliefs, psychological problems, or illegal or sexual behavior, without the parent's prior written consent. Prohibitions also apply "within the curriculum and other school activities." § 53A-13-302
VA	1995	Directs school boards to provide opportunities for parental and community involvement in all schools. § 22.1-279.3
WA	1975 (Recodified in 1990)	School boards are required to adopt a policy giving parents access to their children's classroom and school-sponsored activities so they can observe class procedures, instructional materials, and class conduct. Parent observation must not disrupt the class or activity. § 28A.605.020
WI	1989	School boards are required to facilitate communication between school personnel and parents of pupils enrolled in the school district and provide volunteer opportunities for parents within the schools. § 119.78
50 States	Study Completed in 1994	Reported on parent involvement training as a licensing requirement for teachers and administrators in all states and D.C. Seven states (14%) require principals or central office administrators to study parent involvement or become proficient in promoting parent involvement; 15 states (29%) require most or all teachers to study or develop parent involvement skills; 6 states (12%) require jr. high/middle school teachers to study or achieve competence in encouraging parent involvement; 6 states (12%) require secondary teachers to study or become competent in promoting parent involvement; 14 states (27%) require elementary teachers to study or become competent in this area; 20 states (39%) require educators preparing to work in the field of early childhood education to study or develop skills in parent involvement; 26 states (51%) require teachers working with students with disabilities to study or become competent in this area.

Compiled by the ECS Information Clearinghouse.

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Clearinghouse notes ..... SCHOOL DISTRICTS

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Current Status - States Where Districts Are Defined by County Boundaries

100% to 90% County Structure	89% to 25% County Structure	24% to 1% County Structure		No County Structure (or Negligible)*		
Florida	Alabama	Alaska	Nebraska	Arizona	Massachusetts	North Dakota
Georgia	Kentucky	Colorado	North Carolina	Arkansas	Michigan	Oklahoma
Louisiana	Tennessee	Idaho	Ohio	California	Minnesota	Oregon
Maryland	Utah	Indiana	Pennsylvania	Connecticut	Montana	Rhode Island
Nevada	Virginia	Kansas	South Dakota	Delaware	New Hampshire	Texas
South Carolina		Mississippi	Wyoming	Illinois	New Jersey	Vermont
West Virginia		Missouri		Iowa	New Mexico	Washington
				Maine	New York	Wisconsin

*Note: Hawaii has a single, all-encompassing state structure.

Source: **Directory of Public Elementary and Secondary Education Agencies, 1992-1993**, National Center for Education Statistics 1994; Pepper Sturm, Chief Principal Research Analyst, Nevada Legislative Counsel Bureau

Clearinghouse NOTES . . . . . SCHOOL DISTRICTS

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District Realignment Activities in the States

TWO BASIC TRENDS:

- **Combining or consolidating** school districts with small enrollments, usually in rural areas; and
- **Breaking up** school districts with large populations (usually large urban districts), into smaller administrative units.

Consolidation

Why: Typically to address (1)inequalities in financing; (2) problems with management/oversight/financial expertise; (3) previously done to address economies of scale.
By Whom: Usually carried out by state boards of education, special committees or legislation. The state's role has been to (a) document problems/survey of students and costs; (b) provide incentives, usually for consolidation; (c) react to court cases involving school finance problems.

- In 1918 **North Dakota** had 4,700 schools. By 1947, the state was down to 2,200 district; by 1961, 1010; and in 1991 only 280 districts were left. Over a 10-year period, enrollment had declined in 96 percent of all districts. Rather than close districts, the state developed an incentive program encouraging local communities to plan for future and voluntary restructuring of their districts.
- The **Iowa** legislature approved an incentive program in 1993, encouraging rural districts to share administrators, share classes, and even to share whole grade areas. The Iowa school finance formula has a mechanism to cushion the impact of enrollment declines over a number of years.
- In 1991, the **Minnesota** legislature considered a bill that called for all districts to have a base of 1,000 students by the 1995-1996 school year, or cease operation. The measure did NOT pass. Instead, a measure was adopted requiring all school boards to submit a cooperation and coordination plan to the State Board of Education for review; the law includes provisions concerning voter approval by referendum for proposals to combine districts and treatment of financial obligations.
- As part of its effort to design a court-ordered plan for school finance, the 1993 **Texas** legislature enacted a provision within statute to encourage the consolidation of a "rich" district with a "poor" one as one option to equalize financing.
- In **Rhode Island**, a Commission appointed by the Governor concluded in 1992 that there would be no savings realized from merging its 37 districts into no more than six. Savings could only be gained from closing schools or increasing class sizes.
- The **Oregon** legislature enacted a measure during its 1995 session requiring the consolidation of union high school districts with their "feeder" elementary schools into consolidated districts.
- In the early 1990s, **Arkansas, Illinois, Nebraska, North Carolina, Ohio** and **South Dakota** also were involved in statewide efforts to consolidate schools or school districts. In 1990-91, over half of the regular school districts in the nation served fewer than 1,000 students. Only 7 percent of the students in the United States were enrolled in these small districts .

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Deconsolidation Efforts

The discussion about breaking up large urban school districts continues to grow. Previously, efforts were generated locally or through the district's own board of trustees; more frequently, however, discussion or action is generated at the state level. Recent activities include:

- In 1996, the **Florida** legislature considered a joint resolution to amend the Florida constitution to provide that counties with 45,000 or more students may be divided into two or more school districts pursuant to special law and subject to court approval and local voter referendum. The bill died in the Committee on Rules and Calendar.
- In **California**, the 1995 legislature passed a bill to break up the Los Angeles Unified School District. The State Board of Education will have authority to decide how action will be voted on -- by county commissioners, by Los Angeles residents only, by the local board of education, and so on.
- In **Boston**, the schools were moved back into the framework of general local government.
- The **Pittsburgh** area is debating a plan for a county-wide board with oversight for autonomous schools.

Source: Pepper Sturm, Chief Principal Research Analyst, Legislative Counsel Bureau, Nevada

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High School Graduation Requirements

(Numbers corresponding to courses are units of credit equivalent to one school year)

	ALABAMA	ALASKA	ARIZONA	ARKANSAS
Citation	Code of AL §16-6B 2; AL Admin. Code 290-030-010	AK Admin. Code 04 AK Admin. Code 006.0075	AZ Rules and Regs. 7-2-302	College Prep Requirements
Effective for Graduating Class	2000		1996	1988
Enacted By	LEG/SBE		SBE	SBE
Date of Enactment Last Amended	1995	March 1, 1978 April 4, 1996	1993	
Must pass proficiencies and/or exit exam prior to graduation	must pass for HS diploma; AL Admin. Code 290-040-020.03	no	1996 law change requires the SBE to adopt competency tests for grad. in reading, writing and math. SBE yet to carry this out.	AR Code of 1987 Annotated, 1995 §6-15-407
Language Arts/ English	4	4	4	4
Social Studies	4	3	2.5 (1 world hist. & geog.; 1.5 US & AZ const. & AZ history)	3
Math	4	2	2	3
Science	4	2	2	3 (1 life science and 1 physical science)
Physical Education/Health	1.5	1	0	1 (.5 in PE and .5 in health and safety) only 1 unit max. allowed in PE
Electives	5.5 - set by local board pursuant to Code of AL §16-6B-2	9	8	3
Other	1 (.5 fine arts; .5 computer applications)		1.5 (.5 enterprise; 1 fine arts)	4 (.5 oral com.; .5 fine arts; seniors take at least 3 acad. courses)
Total	24	21	20	21
Comments	students must become computer literate through related coursework		State allows credit for college coursework.	State allows credit for college coursework.

(Numbers corresponding to courses are units of credit equivalent to one school year)

	ARKANSAS	CALIFORNIA	COLORADO	CONNECTICUT
Citation	Technical Postsecondary Prep	Education Code §51225.3		CT General Statutes §10-221a
Effective for Graduating Class	1996-97	1988-89		1988 and thereafter
Enacted By	SBE	LEG		LEG
Date of Enactment Last Amended		July 1, 1988 1990		1983 June 28, 1995
Must pass proficiencies and/or exit exam prior to graduation	AR Code of 1987 Annotated, 1995 §6-15-407	no	no	no
Language Arts/ English	4	3		4
Social Studies	2	3 (1 US history and geography, 1 world history, culture and geography, .5 American government, .5 economics)		3
Math	3	2		3
Science	3 (1 life science and 1 physical science)	2 (1 biological science, 1 physical science)		2
Physical Education/Health	1 (.5 in PE and .5 in health and safety) only 1 unit maximum allowed in PE	2		1
Electives	3	as prescribed locally		1 (arts or vocational education)
Other	5 (.5 oral communications 1 vocational/technical; .5 fine arts; seniors take at least 3 academic courses)	1 (foreign language, which includes ASL, or visual and performing arts)		6
Total	21	13		20
Comments		state and local graduation requirements & proficiency tests designed & administered by local districts	No state requirement or exit exam. Local boards determine requirements. State allows credit for college coursework.	

(Numbers corresponding to courses are units of credit equivalent to one school year)

	DELAWARE	DELAWARE	DELAWARE	DELAWARE
Citation				
Effective for Graduating Class	1997 and 1998	1999	2000	2001
Enacted By	SBE	SBE	SBE	SBE
Date of Enactment Last Amended	August 15, 1996	August 15, 1996	August 15, 1996	August 15, 1996
Must pass proficiencies and/or exit exam prior to graduation	no; voluntary "meritorious" certificate	no; voluntary "meritorious" certificate	no; voluntary "meritorious" certificate	no; voluntary "meritorious" certificate
Language Arts/ English	4	4	4	4
Social Studies	3	3	3	3
Math	2	2	3	3
Science	2	2	3	3
Physical Education/Health	1.5 (1 physical education, .5 health)	1.5 (1 physical education, .5 health)	1.5 (1 physical education, .5 health)	1.5 (1 physical education, .5 health)
Electives	6.5	6.5		
Other		1 (computer literacy) students must become computer literate through formal class or related coursework	7.5 (1 computer literacy, students must become computer literate through formal class or related coursework; 3 Career Pathway and 3.5 Additional Academic Coursework) see (a).	7.5 (1 computer literacy, students must become computer literate through formal class or related coursework; 1 credit of visual and performing arts; 3 Career Pathway and 2.5 Additional Academic Coursework) see (a).
Total	19	20	22	22
Comments				

(a) DE - A Career Pathway is a planned program of sequenced or specialized courses designed to develop knowledge and skills in a particular career area. Students may use the Additional Academic Coursework (visual and performing arts, foreign language and/or vocational technical education coursework, including Junior ROTC) as an option, to pursue individual academic interests. The credits in these two categories will eventually replace the elective credits.

(Numbers corresponding to courses are units of credit equivalent to one school year)

	DISTRICT OF COLUMBIA	FLORIDA	GEORGIA	GEORGIA
Citation		11 FL Statutes Annotated §232.246	SBE rules 160-4-2-.06; 160-4-2-.30; 160-4-2-.36	Advanced Diploma
Effective for Graduating Class	1996		1997	
Enacted By	BE	LEG	SBE	SBE
Date of Enactment Last Amended				
Must pass proficiencies and/or exit exam prior to graduation	no	FSA §229.57; all 11th grade students must pass SBE competency tests	Official Code of GA Annotated §20-2-281; 11th grade students must pass an MCT before a diploma is issued.	Official Code of GA Annotated §20-2-281; 11th grade students must pass an MCT before a diploma is issued.
Language Arts/ English	4	4	4	4
Social Studies	3.5	2.5 (1 American history, 1 world history, .5 American government)	3	3
Math	3	3	3 (1 of which is algebra)	3
Science	3	3 (2 of which must have a lab component)	3	3
Physical Education/Health	1.5	1 (.5 PE; .5 life management skills)	1	1
Electives	3.5	9	6	4
Other	5 (2 foreign lang.; 1 life skills; 1 career/vocational; .5 fine arts; .5 music) Requires 100 hours of community service w/o credit.	1.5 (.5 economics; 1 practical arts career ed. or exploratory career ed.) see (a)	1 (computer technology and/or fine arts and/or vocational education, and/or junior ROTC)	3 (2 foreign language; 1 fine arts, vocational education, computer technology or ROTC)
Total	23.5	24	21	21
Comments		Junior and senior students may receive dual credits for college courses.	Students who successfully complete 4 units in voc. educ. courses in addition to reqmnts. receive a formal seal of end. by the SBE. State allows credit for college coursework.	State allows credit for college coursework.

(a) FL - Any vocational course as defined in §228.041(22) can satisfy this requirement for 1 credit, or .5 credit each in practical arts career ed. or exploratory career education and performing fine arts, or 1 credit in performing fine arts.

(Numbers corresponding to courses are units of credit equivalent to one school year)

	HAWAII	HAWAII	IDAHO	ILLINOIS
Citation	SBE policy 4540 High School Diploma	policy 4540 Bd. of Ed. Recognition Diploma	ID Admin. Code 08.02.05	105 ILCS 5/§27-22 23 Ill. Admin. Code 1.420, 1.440, & 1.445
Effective for Graduating Class	1997	1997	1997	1995
Enacted By	SBE	SBE	SBE	LEG
Date of Enactment Last Amended			1988 1993	July 1, 1984 August 20, 1995
Must pass proficiencies and/or exit exam prior to graduation	all 10th grade students; HI State Test of Essential Competencies (HSTEC)	all 10th grade students; HI State Test of Essential Competencies (HSTEC)	SBE requires either a C average, demonstrated competency in core curriculum on a junior class competency test, or adherence to local districts achievement plan for graduation.	Students must pass an exam on the principles of the Declaration of Independence, US const. and the proper use and display of the Am. flag. Students must also take Consumer Ed. or take proficiency test to pass out of the class.
Language Arts/ English	4	4	4	3
Social Studies	4	4	2 (1 US history; 1 American government)	2 (1 US history or .5 US history and .5 American government)
Math	3	3	2	2 (1 year may be computer technology)
Science	3	3	2 (both laboratory components)	1
Physical Education/Health	2 (1 PE; 1 health and guidance)	2 (1 PE; 1 health and guidance)	1.5 (1 PE; .5 health)	4.5 (.5 health education) see (a)
Electives	6	6	6	2.25 - see (b)
Other		2 (foreign language, performing/fine arts or vocational education)	3.5 (.5 each reading, speech and consumer education. 2 humanities. Practical arts may substitute for 1 unit of the 2 units of humanities.)	1.25 (1 from music, art, foreign language, which includes ASL, or vocational education; .25 consumer education)
Total	16 of 22 required	18 of 24 required	21	16
Comments			Grad. req. null and void on April 1, 1997. Proposed rules to be approved in 1997 legislative session.	

(a) IL - Beginning in 1985-86 the school boards are allowed to waive 11th & 12th grade students from PE if student 1) participates in interscholastic athletics or 2) enrolls in academic class required for admission to college or in order to graduate from high school.

(b) IL - Although the total number of credit hours must be 16, school districts may vary in the number of credits they give for each class, therefore the exact number for electives may also vary.

(Numbers corresponding to courses are units of credit equivalent to one school year)

	INDIANA	INDIANA	IOWA	KANSAS
Citation	511 IN Admin. Code 6-7-6	Academic Honors		KS Admin. Rules 91-31-12h
Effective for Graduating Class	1989	1990		
Enacted By	SBE	SBE		SBE
Date of Enactment Last Amended	September 1983	1987		October 1989
Must pass proficiencies and/or exit exam prior to graduation	1C 20-10.6-16-13 10th grade exit exam begins with class of 1999-2000. HB 1402	1C 20-10.6-16-13 10th grade exit exam begins with class of 1999-2000. HB 1402	no	no
Language Arts/ English	4	4		4 (3 in English)
Social Studies	2	3	1.5 (1 US history; .5 American government)	3 (1 in American history and .5 in American government)
Math	2	4		2
Science	2	4		2
Physical Education/Health	1.5	1	All students must participate in PE each semester unless they qualify under certain exceptions.	1
Electives	8	4 or 5		9
Other		3 or 4 foreign language (3 in 1 language or 2 years in 2 languages)		
Total	19.5	24		21
Comments	The state does not use standard Carnegie units. State allows credit for college coursework.	The state does not use standard Carnegie units. State allows credit for college coursework.	Graduation requirements determined locally guided by min. educ. program that must be "offered and taught."; State allows students in junior and senior classes to receive dual credits for college coursework.	School districts must provide in the social studies curriculum within grades 7-12 a course in KS History or government. Minimum 9 weeks and 1,800 minutes. This is also a graduation requirement. State allows credit for college coursework.

(Numbers corresponding to courses are units of credit equivalent to one school year)

	KENTUCKY	KENTUCKY	LOUISIANA	LOUISIANA
Citation	KY Admin. Regulation 704 KAR 3:305	Commonwealth Diploma - KY Admin. Regulation 704 KAR 3:340	Bulletin 741 Handbook for School Administrators Policy # 2.099-00	Regents Diploma
Effective for Graduating Class	1986-87	1992-93	1987	1983
Enacted By	SBE	SBE	SBE	Board of Regents
Date of Enactment Last Amended	March 12, 1985	December 13, 1990	1986	1983
Must pass proficiencies and/or exit exam prior to graduation	no	Completion of 1 AP Exam in at least three of the AP classes required.	graduation test begin with graduating class of 1991	graduation test begin with graduating class of 1991
Language Arts/ English	4	5 (4 units plus 1 AP English)	4	4
Social Studies	2 (1 in US history)	2 (1 world civilization; 1 US history)	3	3.5
Math	3	3 (including algebra, geometry)	3	3
Science	2	2 (1 biology, chemistry or physics)	3	3
Physical Education/Health	1 (.5 PE; .5 health)	1 (.5 PE; .5 health)	2	2
Electives	8	8	7.5	4.5
Other		1 foreign language in advanced placement	.5 computer literacy	4 (3 foreign language; 1 fine arts)
Total	20	22	23	24
Comments	Kentucky is currently reviewing its high school graduation requirements for possible change.	2 (1 AP in science or math; 1 AP foreign language) Pre-college curriculum and a Commonwealth diploma requirements outlined but not mandated by the state.	With an ACT score of 29 or above, 3.5 GPA with no semester grade lower than a B, no unexcused absences and no suspension students receive a Scholar Program Seal on diploma. Algebra is required. State allows credit for college coursework.	State allows credit for college coursework.

(Numbers corresponding to courses are units of credit equivalent to one school year)

	MAINE	MARYLAND	MASSACHUSETTS	MICHIGAN
Citation	ME Revised Statute Annotated 20-A §4722 Dept. of Ed. Rule chap. 127	COMAR 13A.03.01, 13A.03.02		MI Compiled Laws Annotated §380.1166
Effective for Graduating Class	1989	1997		1993
Enacted By	LEG/School Board	SBE		LEG
Date of Enactment Last Amended	statute Sept. 1992 ; rule 1991	1992		1995
Must pass proficiencies and/or exit exam prior to graduation	no	passage of MCT is required for graduation; Also must pass a writing test and a quiz on citizenship. see (a)	MCT passage is required for graduation.	MCT is optional for students wanting an endorsed diploma.
Language Arts/ English	4	4		
Social Studies	2 (1 American history 1 American government)	3	1 (American history)	must instruct on US and MI constitutions, and US and MI history and government. Must have one semester of civics.
Math	2	3		
Science	2 (1 laboratory science)	2		
Physical Education/Health	1.5	1	4	
Electives	3.5	5	Local boards determine remaining requirements.	
Other	1 fine arts	3 (1 fine arts, 1 industrial arts/tech. ed., home econ., voc. ed. or computer studies, 1 community service)		
Total	16	21		
Comments	Students must pass computer proficiency standards. State allows credit for college coursework.		Local boards determine additional requirements. State allows credit for college coursework.	Local boards determine remaining requirements.

(a) MD - An individual who is 16 years old or older who has not obtained a high school certificate or diploma may do so by examination if the person: 1) has resided in MD or on a federal reservation in MD for at least 3 months; 2) has withdrawn from a regular full time public or private school program for at least 3 months. (§7-205)

(Numbers corresponding to courses are units of credit equivalent to one school year)

	MINNESOTA	MISSISSIPPI	MISSOURI	MISSOURI
Citation	MN Statutes Annotated §121.11, Subd. 7c - Results orientated grad. rule	Bulletin 171	High School Diploma	College Prep Certificate
Effective for Graduating Class	2000	1989	1988	1988
Enacted By	SBE	SBE	SBE	SBE
Date of Enactment Last Amended	1996	1985		March 1984 January 1995
Must pass proficiencies and/or exit exam prior to graduation	Students graduating in year 2000 must past basic skill tests in reading, math and writing to meet the requirement of the MN Graduation Rule.	MS Code §37-16-1, §37-16-7 MCT passage is required for graduation.	no	no
Language Arts/ English		4	3	4
Social Studies		2	2	3 (1 in Am. history)
Math		2	2	3
Science		2 (1 unit must include lab)	2	2 (1 must be lab)
Physical Education/Health			1	1
Electives		8	10	9 (6 general electives; 3 core electives selected from foreign lang., English, social studies, math, science, fine arts)
Other			2 (1 fine arts; 1 practical arts)	2 (1 practical art; 1 fine arts)
Total		18	22	24
Comments	SBE still developing a "profile of learning" req. which will be more comprehensive than the basic refs.. see (a) Students in junior and senior classes may receive dual credits for college coursework.		local districts may add to the requirements	Requires GPA of 3.0 and SAT of 1014 or enhanced ACT of 21.

(a) MN - Graduation requirements shall include a broad range of academic experience and accomplishment necessary to achieve the goal of preparing students to function effectively as purposeful thinkers, effective communicators, self-directed learners, productive group participants, and responsible citizens.

(Numbers corresponding to courses are units of credit equivalent to one school year)

	MONTANA	NEBRASKA	NEVADA	NEW HAMPSHIRE
Citation		School Laws §79-429	NV Admin. Code 389.664	NHCAR Ed. 306.23(d)
Effective for Graduating Class	1989	1991	1992	1989
Enacted By	SBE	LEG	SBE	SBE
Date of Enactment Last Amended	1988 1992	1984	November 1986	July 1984 July 1, 1993
Must pass proficiencies and/or exit exam prior to graduation	no	no	NV Admin. Code 389.655 MCT passage is required for graduation	The usage of MCT passage for high school graduation is an option of the local districts.
Language Arts/ English	4		4	4
Social Studies	2		2 (1 American government, 1 American history)	2 (1 US and NH history and government.; 1 elective)
Math	2		2	2
Science	2		2	2 (1 physical; 1 biological)
Physical Education/Health	1		2.5 (2 PE; .5 health)	1.25 (1 PE; .25 health)
Electives	7		8.5	7
Other	2 (1 fine arts; 1 vocational/practical arts)		1.5 (1 Arts and Humanities; .5 computer literacy)	1.5 (.5 arts; .5 computer education; .5 basic business and economics)
Total	20	200 H.S. credit hours	22.5	19.75
Comments		80% in core curriculum Local boards determine requirements	Computer literacy may be waived by demonstration of competency. State Board currently considering revisions. State allows credit for college coursework.	

(Numbers corresponding to courses are units of credit equivalent to one school year)

	NEW JERSEY	NEW MEXICO	NEW YORK	NEW YORK
Citation	System of Free Public Schls., Dept. of Ed. 6:8 - 7.1	§22-2-8.4 NMSA 1978		Regents Diploma
Effective for Graduating Class	1990	1990	1989	2000
Enacted By	SBE	LEG	Regulation	Regulation
Date of Enactment Last Amended	September 1987	1986 1993	1984	1984 1996
Must pass proficiencies and/or exit exam prior to graduation	11th grade proficiency in reading, writing, & math; alternative test is the Student Review Assessment. MCT passage is required for graduation.	§22-2-8.4 D NMSA - Students must pass a st. comp. exam to receive a diploma; if exam is not passed student receives a cert. of completion upon exit at the end of grade 12; if students pass exam within five years of exiting from school may receive a diploma.	MCT passage requirement is being phased out over four years; districts will be required to use Regents exams as the assessment for awarding diplomas. Effective July 1, 1996. 8NYSCRR100.5(a)(4)	MCT passage is required for grad. Requires districts to use Regents exams as the assmt. for awarding diplomas for class entering in Sept. 1996. Eff. July 7, 1996. 8NYCRR 100.5 (a)(4)
Language Arts/ English	4	4		4
Social Studies	3 (2 US history; 1 world history/cultures)	3 (consisting of govt. & econ., world hist. & geog, US hist. & geog.)	4 (US history and government to be covered)	4
Math	3	3		2
Science	2 (natural or physical)	2 (1 lab component)		2 (includes lab comp.)
Physical Education/Health	4	1	2.5	2.5 (2 PE, .5 health)
Electives	4	9	2	3-5 (from a sequence of specific courses must be chosen by Regents' diploma students)
Other	1.5 (1 fine, practical or performing arts; .5 career education)	1 (communication skills)	4 (1 art and/or music; 3 second language)	1 (from foreign lang., art and/or music, occupational ed., tech. ed. or home economics)
Total	21.5/ 110 credit hours are required for grad.	23	20.5	18.5 (exclusive of PE)
Comments	The state does not use standard Carnegie units. 1 credit = a 40 minute period, which meets 1 day a week for entire school year. State allows credit for college coursework.		Current grad. reqmts. are being revisited in light of new higher learning standards and expected to be revised in spring 1997.	New learning std. for student achievement. & assmt. tools are under development & will be implemented in a phased-in format, beginning in 1997.

(Numbers corresponding to courses are units of credit equivalent to one school year)

	NORTH CAROLINA	NORTH CAROLINA	NORTH DAKOTA	OHIO
Citation		Scholars Program	59-39-100	OH Admin. Code 3301-35-02(B)(6)-(8)
Effective for Graduating Class	1987	1994	1994	1988
Enacted By	SBE	SBE	Superintendent	SBE
Date of Enactment Last Amended	January 1983	March 1990	1991	1983
Must pass proficiencies and/or exit exam prior to graduation	MCT passage is required for graduation.	MCT passage is required for graduation.	no	MCT passage is required for graduation.
Language Arts/ English	4	4	4	3
Social Studies	2	3	3 (1 world history & geography, 1 US history & geography)	2
Math	2	3	2 (1 may be business math)	2
Science	2 (1 science class must be lab)	3 (1 science class must be lab)	2	1
Physical Education/Health	1	1	1	1
Electives	9	4	5	9
Other		4 (2 foreign language; 2 from English, math, science, social science or foreign language)	1 (higher level foreign language may be substituted for the 4th unit of English)	3 (total units in a subject area other than language arts/English must be taken to complete a "minor")
Total	20	22	17	18
Comments			Although 17 units are required the local education agencies are urged to establish requirements at a minimum of 20 units.	State allows credit for college coursework.

(Numbers corresponding to courses are units of credit equivalent to one school year)

	OKLAHOMA	OKLAHOMA	OREGON	PENNSYLVANIA
Citation	OK Admin. Code Title 210, Subchapter 9, Chapter 35	College Prep Rule State Regent Policy II-2-36	OR Admin. Rules 581-22-316	
Effective for Graduating Class	2000	1996	1988	1989
Enacted By	SBE	OK State Regents for Higher Education (OSRHE)	SBE	SBE
Date of Enactment Last Amended	1982 1996	1992	1984	1983
Must pass proficiencies and/or exit exam prior to graduation	no	no	no	Students must achieve 52 state academic performances and locally developed outcomes.
Language Arts/ English	4	4	3	4
Social Studies	2	2	3.5	3
Math	3	3	2	3
Science	2	2	2	3
Physical Education/Health	0	0	2	1
Electives	8		8	5
Other	2 (1 fine/performing arts; 1 citizenship skills) State allows credit for college coursework.	4 (3 chosen from foreign language, computer science, English, math, history, sociology, science, speech or psychology; 1 economics, geography, government or non-Western culture. If foreign language selected, student must take two years of same language.) State allows credit for college coursework.	1.5 (.5 career development, 1 applied arts, fine arts or foreign language)	2 (arts/humanities or computer science)
Total	21	15	22	21
Comments			Honors degree for 3.5 GPA and higher.	

(Numbers corresponding to courses are units of credit equivalent to one school year)

	RHODE ISLAND	RHODE ISLAND	SOUTH CAROLINA	SOUTH CAROLINA
Citation		College Prep	Tech Prep	Dual Path
Effective for Graduating Class	1989		2000	2000
Enacted By				
Date of Enactment Last Amended	January 1985		1996	1996
Must pass proficiencies and/or exit exam prior to graduation	no	no	MCT passage is required for graduation.	MCT passage is required for graduation.
Language Arts/ English	4	4	4	4
Social Studies	2	2	3 (1 world history or world geography; 1 US history; .5 US government; .5 economics)	4 (1 world history; 1 world geography; 1 US history; .5 US govt.; .5 economics)
Math	2	3	4	4
Science	2	2	3	4
Physical Education/Health			1	1
Electives	6	4	3	1
Other		3 (2 foreign language, .5 computer, .5 arts)	6 (4 occupational specialty; 2 foreign language)	6 (4 occupational specialty; 2 foreign language)
Total	16	18	24	24
Comments			Tech Prep students who graduate in 2000 must complete an occupational specialty program which consists of four sequential units of instruction in a career major. To allow flexibility to transfer from Tech Prep to College Prep, the student should earn at least one unit of credit in a foreign language by the end of grade 11. Students must demonstrate keyboarding proficiency/computer literacy before graduating from high school.	

(Numbers corresponding to courses are units of credit equivalent to one school year)

	SOUTH CAROLINA	SOUTH DAKOTA	TENNESSEE	TENNESSEE
Citation	College Prep	Admin. Rules SD 24:03:06:06.01	TN Admin. Code 0520-1-3-.06 Technical Prep	TN Admin. Code 0520-1-3-.06 University Prep
Effective for Graduating Class		1989	1989	1989
Enacted By		SBE	SBE	SBE
Date of Enactment Last Amended	1996	February 1984 1990	1988 May 1994	May 1994
Must pass proficiencies and/or exit exam prior to graduation	MCT passage is required for graduation.	no	49-6-6001 before grad. every student shall take an exit exam, which has no passing standards, to assess readiness for workplace or higher education.	49-6-6001 before grad. every student shall take an exit exam, which has no passing standards, to assess readiness for workplace or higher education.
Language Arts/ English	4	4 (1.5 in writing; 1 literature which .5 is American literature; .5 speech)	4	4
Social Studies	4 (1 world hist.; 1 world. geog.; 1 US hist.; .5 US govt.; .5 economics)	3 (1 US history; .5 US govt.; .5 geography)	3	3
Math	4	2	3	3
Science	4	2 (laboratory sciences)	3	3
Physical Education/Health	1		1	1
Electives	4	8	2	3
Other	3 foreign language	1 (.5 computer, .5 fine arts)	4 (program of study focusing on a particular technical area)	3 (2 foreign language; 1 fine arts)
Total	24	20	20	20
Comments	To allow flexibility to transfer from College Prep to Tech Prep, the student should earn at least 1 unit of credit in an occup. specialty program by the end of grade 11. Students must demonstrate keyboarding proficiency/computer literacy before graduating from high school.			

(Numbers corresponding to courses are units of credit equivalent to one school year)

	TEXAS	TEXAS	UTAH	VERMONT
Citation	TX Education Code SB 1 chapter 28; 19 TX Admin. Code 75	19 TX Admin. Code 75.152	State Board Rule R277-700-1	
Effective for Graduating Class	1997-98	1999-2000	1988	1989
Enacted By	SBE	SBE	SBE	LEG
Date of Enactment Last Amended	September 1984 July 1995		November 1986 1993	1986
Must pass proficiencies and/or exit exam prior to graduation	students must meet passing standards on exit level exams: end of course tests are restricted to alg. I, biol. I, Eng. II, & US history	students must receive any combination of four advanced measures approved by SBE	no; end of course and end of level tests are available for use at individual district discretion.	VT Statutes Annotated § 179 - In 1996 legislation directed SBE to develop statewide academic exams.
Language Arts/ English	4	4	3	4
Social Studies	2	4 (includes economics)	3	3
Math	3	3	2	5 (between math and science)
Science	2	3	2	
Physical Education/Health	2 (1.5 PE, .5 health)	2 (1.5 PE, .5 health)	2	1.5
Electives	7	3 (must choose one of three 3-credit additional options)	9.5	
Other	2 (.5 economics/free enterprise; .5 speech; 1 technology application)	5 (3 foreign language, 1 technology application; 1 fine arts)	2.5 (1.5 arts; 1 applied tech. ed., occupational preparation)	1 arts
Total	22	24	24	14.5
Comments		College Board advanced placement and International Baccalaureate courses may be substituted for requirements in appropriate proficiency areas to receive dual credits for college coursework.	Local Bds. may award credit according to a list of options outlined in St. Bd. rule R277-703-1. Students may accumulate credits more quickly than peers & be eligible to receive a Centennial Scholarship for Early Graduation to be applied to college tuition. Students may enroll in a variety of academic and voc. classes during their jr. & snr. yrs. & earn high school and college credit concurrently.	

(Numbers corresponding to courses are units of credit equivalent to one school year)

	VIRGINIA	VIRGINIA	WASHINGTON	WEST VIRGINIA
Citation		Advanced Studies		
Effective for Graduating Class	1989		1991	1989
Enacted By	SBE		SBE	SBE
Date of Enactment Last Amended	June 1987		1985	1988
Must pass proficiencies and/or exit exam prior to graduation	MCT passage is required for graduation.	MCT passage is required for graduation.	no	no
Language Arts/ English	4	4	3	4
Social Studies	3	3	2.5	3
Math	2	3	2	2
Science	2	3	2	2
Physical Education/Health	2	2	2	2
Electives	6	4	5.5	8
Other	2 (1 additional math or science, 1 fine or practical arts)	4 (3 foreign language, 1 fine or practical arts)	2 (1 occupational education, 1 fine/visual or performing arts)	
Total	21	23	19	21
Comments			State allows credit for college coursework.	Students electives must be from applied arts, fine or performing arts, or a foreign language.

(Numbers corresponding to courses are units of credit equivalent to one school year)

	WISCONSIN	WYOMING
Citation	WI Statutes Annotated §118.33; Dept. of Public Instruction chapter PI 18.03	
Effective for Graduating Class	1989	
Enacted By	LEG	local board
Date of Enactment Last Amended	1984 September 1, 1988	
Must pass proficiencies and/or exit exam prior to graduation	Local districts have the option of implementing exit exams.	no
Language Arts/ English	4	4
Social Studies	3	3
Math	2	2
Science	2	2
Physical Education/Health	2 (1.5 PE grades 9-12; .5 health grades 7-12)	
Electives	State encourages school boards to require an additional 8.5 credits selected from any combination of vocational education, foreign languages, fine arts and other courses.	5
Other		
Total	21.5	18
Comments	State allows credit for college coursework.	Local board determines requirements. What is listed is accreditation standards. Graduation requirements will change by July 1997 due to court order.

Notes: LEG - legislature
MCT - minimum competency testing
BE - board of education
SBE - State Board of Education
AP - advanced placement
ASL - American Sign Language

Clearinghouse NOTES . . . . . TEACHERS

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Professional Standards Boards

Function: Typically, professional standards boards have several purposes:

- establish standards and requirements for obtaining and maintaining teaching licenses/certificates;
- issue, renew, suspend and revoke licenses;
- hear appeals regarding actions taken with licensees;
- set standards for examinations to assure eligibility for licenses to enter teaching;
- create actions that impact teacher education and professional development;
- create plans/actions for attracting qualified candidates to the profession.

Makeup of boards: Composition typically might include teachers from various levels (elementary, middle, secondary), higher education representatives, superintendents, principals, state board members, higher education board members and community/business members. Some have a teacher majority, others do not.

Degree of power: Autonomous boards actually make decisions rather than just "recommending" that decisions be made by another entity such as the state board of education. For example, the professional standards board may decide criteria for certification, issue licenses, and may be funded in part through certification fees. Semi-autonomous boards make decisions also, but may be over-ridden by another entity. Advisory boards make recommendations.

AUTONOMOUS	ADVISORY			NONE
California	Alabama	Louisiana**	Ohio	District of Columbia
Georgia	Alaska	Massachusetts	Pennsylvania	Maine
Hawaii	Arizona	Michigan	South Carolina	Oklahoma (repealed)
Indiana	Arkansas	Mississippi	South Dakota	Rhode Island
Iowa	Colorado (eff. '99)	Missouri**	Tennessee	
Kentucky	Connecticut**	Montana**	Utah	
Minnesota	Delaware	Nebraska	Vermont	
Nevada*	Florida	New Hampshire	Virginia	
North Dakota	Idaho	New Jersey	Wisconsin	
Oregon	Illinois	New York		
Washington	Kansas	North Carolina		
West Virginia				
Wyoming				
SEMI-AUTONOMOUS				
Maryland*, Texas				

* Some duties involving teacher licensure held by State Department of Education
** teacher majority

Sources: ECS Information Clearinghouse, Connecticut Education Association

Clearinghouse NOTES . . . . . SCHEDULING

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SCHOOL CALENDAR

STATE	MINIMUM NUMBER OF PUPIL/TEACHER CONTACT DAYS	TEACHER IN-SERVICE TRAINING/STAFF DEVELOPMENT REQUIREMENTS (Unless otherwise indicated, days/hours are in addition to minimum pupil/teacher contact days/hours)	WHEN SCHOOL BEGINS
AL	175 (1)	5 days	LEA option
AK	180	Up to 10 days (Included in 180 instructional days)	LEA option
AZ	175	LEA option	LEA option
AR	178	5 -7 days	Week before Labor Day through the week after Labor Day
CA	175	Up to 8 days (Included in 175 instructional days)	LEA option
CO	450 hrs.--Kindergarten 990 hrs.--Elementary 1080 hrs.--Middle & Secondary	Up to 24 hrs. (Included in minimum instructional hrs.)	LEA option
CT	180 (900 hrs.)	18 hrs.	LEA option
DE	180 (1060 hrs.)	5 days	LEA option
DC	180	3 days (Included in 180 instructional days)	LEA option
FL	180	LEA option	LEA option
GA	180	Up to 10 days	LEA option
HI	176	Up to 5 days	LEA option
ID	450 hrs.-Kindergarten 810 hrs.--Grades 1-3 900 hrs.--Grades 4-8 990 hrs.--Grades 9-12	Up to 11 hrs.-Kindergarten Up to 22 hrs.--Grades 1-12 (Included in minimum instructional hours)	LEA option
IL	176	Up to 4 days (2)	LEA option
IN	180	LEA option (3)	LEA option
IA	180	1 day	9/1 or later
KS	186 days (465 hrs.)--Kindergarten 186 days (1116 hrs.)--Grades 1-11 181 days (1086 hrs.)--Grade 12	LEA option	LEA option
KY	1050 hrs.	4 days	LEA option
LA	175	Up to 5 days	LEA option

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STATE	MINIMUM NUMBER OF PUPIL/TEACHER CONTACT DAYS	TEACHER IN-SERVICE TRAINING/STAFF DEVELOPMENT REQUIREMENTS (Unless otherwise indicated, days/hours are in addition to minimum pupil/teacher contact days/hours)	WHEN SCHOOL BEGINS
ME	175	Up to 5 days	LEA option
MD	180 (1080 hrs.–Elementary 1170 hrs.–Secondary)	LEA option	LEA option
MA	180 (4)	LEA option	LEA option
MI	180–96-97 school year One day added each succeeding year until 190 is reached in 2006-7 (990 hrs.–96-97; 1041 hrs.–97-98; 1047 hrs.–98-99; 1098 hrs.–99-00; and an additional 6 hrs. each year until 1140 hrs. is reached in 2006-07) (5)	1 day–97-98; 2 days–98-99; 3 days–99-00; 4 days–00-01; 5 days–01-02 and each succeeding year	LEA option
MN	LEA option as of 96-97 school year Districts are expected to set school year length necessary for students to meet state and local graduation requirements	No non-instructional day or hour requirements as of 96-97 school year	After Labor Day
MS	180	Up to 7 days	State Board of Education calendar
MO	174 days (1044 hrs.)	LEA option (6)	9/1 or later (7)
MT	180	3 - 7 days	LEA option
NE	400 hrs.– Kindergarten 1032 hrs.–Grades 1-8 1080 hrs.–Secondary	10 hrs.	LEA option
NV	180 (8)	Up to 5 days (Included in 180 instructional days)	LEA option
NH	180	Up to 10 days	LEA option
NJ	180	LEA option	LEA option
NM	450 hrs.–Kindergarten 990 hrs.–Grades 1-6 1080 hrs.–Grades 7-12	Up to 3 days	LEA option
NY	180	Up to 4 days (Included in 180 instructional days)	LEA option
NC	180	Up to 20 days	LEA option
ND	175	2 days (9)	LEA option
OH	182	Up to 2 days (Included in 182 instructional days)	LEA option
OK	175	Up to 5 days	LEA option
OR	405 hrs.–Kindergarten 810 hrs.–Grades 1-3 900 hrs.–Grades 4-8 990 hrs.–Grades 9-12	Up to 30 hrs. (Included in minimum instructional hours)	LEA option
PA	180 (10) (450 hrs.–Kindergarten 900 hrs.–Grades 1-6 990 hrs.–Grades 7-12)	Up to 5 days	LEA option

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STATE	MINIMUM NUMBER OF PUPIL/TEACHER CONTACT DAYS	TEACHER IN-SERVICE TRAINING/STAFF DEVELOPMENT REQUIREMENTS (Unless otherwise indicated, days/hours are in addition to minimum pupil/teacher contact days/hours)	WHEN SCHOOL BEGINS
PR	180	LEA option	LEA option
RI	180	LEA option	LEA option
SC	180	Up to 10 days	LEA option
SD	175	LEA option	LEA option (11)
TN	180	5 days	LEA option
TX	180	5 days--96-97 school year (12)	LEA option
UT	180 (450 hours--Kindergarten 810 hrs.--Grade 1 990 hrs.--Grades 2-12)	LEA option	LEA option
VT	175	5 days	Regional option
VA	180 (540 hrs.--Kindergarten 990 hrs.--Grades 1-12)	Up to 20 days	After Labor Day
WA	180	LEA option	LEA option
WV	180	3 - 5 days (2 days must be scheduled prior to January 1)	8/26 or later
WI	180 (437 hrs--Kindergarten 1,050 hrs-- Grades 1-6 1137 hrs--Grades 7-12)	LEA option	LEA option
WY	175	Up to 5 days	LEA option

(1) In 1995, Alabama repealed legislation enacted in 1994 which would have phased in 180 days of instruction and 10 professional development days by the 2004-2005 school year.
(2) In Illinois, days not used for staff development must be added to the 176 instructional days.
(3) In Indiana, upon approval by the Indiana Department of Education, schools may accumulate student release time to use for staff development, performance-based accreditation, or program development activities. Schools must have a base of 105% of the required minimum instructional time before they can accumulate release time (at least 945 hrs per year-elementary, 1134 hrs per year-secondary). Students may be released on 6 occasions for a minimum of 30 minutes and a maximum of 2 1/2 hours a day. Release time may not exceed 15 hours per school year, even if a school accumulates more than 15 hours.
(4) In Massachusetts, effective in the 1997-98 school year, elementary school students must receive a minimum of 900 hours, secondary students 990 hours, and kindergarten students 425 hours of "structured learning time."
(5) In Michigan, the scheduled increase in days/hours will not go into effect if the percentage growth in the basic foundation allowance in a state fiscal year, as compared to the preceding year, is less than the percentage increase in the average consumer price index. MICH. COMP. LAWS ANN. §380.1284 (West 1996 Supp.)
(6) In Missouri, the length of the school day may vary from 3-7 hours, giving districts the flexibility to schedule release time for in-service training.
(7) In Missouri, local boards can change the opening day of school if they determine that students are needed for agricultural production.
(8) The Nevada State Superintendent of Public Instruction may authorize a reduction in the required minimum number of school days per year up to 15 days. The reduction may be allowed only if the new schedule provides for an equivalent or greater number of minutes of instruction than is provided in the 180-day school year.
(9) North Dakota schedules two days for a teachers' convention. According to the state's Department of Public Instruction, Department policies promote inservice training by acknowledging schools that have extended their school year for inservice training and by recommending that some time be set aside for inservice training, which may require the shortening of some days.
(10) In Pennsylvania, school districts wishing to fulfill minimum instructional requirements using hours instead of days must obtain approval from the Secretary of Education.
(11) In South Dakota, if a school board schedules the opening day of classes before Labor Day, voters may file a petition to have the school board decision referred to the voters in the district. The petition must be signed by 5% of the school district's registered voters and the referendum must be approved by a majority of voters. S.D. CODIFIED LAWS § 13-26-9 (Michie 1996 Supp.)
(12) In Texas, for the 1997-98 school year, teacher inservice training days will be determined by a formula. The result will be at least 5 days of inservice training. TEX. EDUCATION CODE ANN. § 21.401(b) (West 1996 Special Pamphlet)

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Clearinghouse Issue Brief. . . . SPECIAL EDUCATION

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Congress soon will reauthorize the Individuals with Disabilities Education Act (IDEA), creating an opportunity to address deficiencies in the law that are causing some students to be inadequately served.

The basis of the act is to educate students with disabilities in the regular classroom by providing appropriate aids and supports. In the past, IDEA was focused on providing access to a free and appropriate public education (FAPE) for students with special needs. Now that students with disabilities are being educated in classrooms with their non-disabled peers, many educators, policymakers and parents believe it is important to focus on improving these students' achievement, not just their access to the appropriate setting.

Although IDEA has benefited students with disabilities, parts of it have been criticized by instructors, policymakers and guardians as barriers to helping students with disabilities succeed educationally. Some of these problems are discussed below.

CLASSIFICATION

For a student to receive special education services, a teacher or parent must state the child has a difficult time learning. When that occurs, the school district administers a test to identify the problem. Federal regulations specify 13 types of disabilities that affect learning. They include: autism, deaf-blindness, deafness, hearing impairment, mental retardation, multiple disabilities, orthopedic impairment, chronic or acute health problems, serious emotional disturbance, specific learning disability, speech or language impairment, traumatic brain injury and visual impairment, including blindness. Of these disabilities, only a few can be measured by objective tests. While some states require districts to administer more than one test, mislabeling of students still occurs and the battery of tests or complete evaluation is expensive — estimated to cost an average of $2,000.

What is gained from testing students in this way? The tests merely show which of the 13 categories the student fits within and gives the school district a label to place on a student. However, special education labels vary from state to state and school district to school district. For example, a child in Ohio with an intelligent quotient (IQ) below 80 is classified mentally retarded. Kentucky, a border state, places the same child in a regular classroom.

Although it is important to identify the disability, the type of disability should not determine the instruction and services a child needs. Rather, educators should look at how the disability affects the individual's ability to succeed educationally. Decisions should be based on what a student can do, instead of what he or she cannot do. In turn, services should be based on individual needs in order to help students achieve to their maximum potential.

PLACEMENT

Once a student is classified in a certain disability category, he or she is placed in a program designed for students with certain disabilities. The placement decision usually is made regardless of how the disability affects the student's ability to succeed educationally, without identifying the student's unique educational needs and without assessing the student's abilities. Educators' failure to understand that students within the same disability category are diverse and represent a broad range of abilities means some students are inappropriately placed.

A basic precept of IDEA is that services should be provided in the "Least Restrictive Environment" (LRE) and based on individual needs. Unfortunately, this does not happen in many areas. For example, Janet Morrison, a 6-year-old deaf California student attends the program for deaf or hard-of-hearing students in her district. Janet's parents are also deaf, and the family communicates using American Sign Language (ASL). However, Janet's teacher and aide do not know ASL. During an observation of the classroom, her parents saw the teacher turn her back on Janet while she was talking and writing on the chalkboard. The aide had very little skill in signing and often used the wrong signs. None of the other children in Janet's class were fluent in ASL, which limited Janet's interaction with her classmates. As a result, Janet's parents sued the school district, seeking to place Janet in the state

school for the deaf. The courts, however, sided with the school district, saying the local program meets legal standards of IDEA.

Many observers also believe overplacement of students in disability categories, particularly minority students, has resulted from funding incentives being based on the number of students identified and served. According to the *Digest of Education Statistics, 1994*, nearly five million children were served under IDEA in 1990-91, and this number continues to grow. In 39 states, according to a *U.S. News and World Report* analysis of U.S. Department of Education data, African-American students are overrepresented in special education programs compared with their percentage of the overall student population. The analysis found these students are most likely to be overrepresented in special education classes when they attend predominantly white schools. In some school districts, neither the number of African-American students nor household demographics accounted for the high percentage of African-American students, the analysis found. To serve students with disabilities appropriately, district and school officials must consider a child's linguistic and cultural background, as well as his or her specific disability. For instance, a student would not be placed in a disability category simply because he or she was from another country and was not a native English speaker.

DISCIPLINE

The discipline of students with disabilities is proving to be a complex process. Any pupil receiving special education services must have an Individual Education Plan (IEP) that outlines what a child should learn and how he or she will be taught. This strategy is formed by a team of people associated with the child, such as the special education teacher, teacher's aide, counselor, etc., working with a parent. A parent must agree to any alterations.

Any disciplinary action that results in a suspension or expulsion requires a meeting of IEP team members since the action would change the student's placement. Any alternative placement decided upon must maximize opportunities for the student to interact with non-disabled peers and continue to provide education services.

One problem that arises in disciplining students with disabilities is disagreement between staff and parents, which may create an "us-against-them" situation. When other students are affected, parents of those students may get involved, dividing different groups of parents. For example, Jimmy Peter, a kindergarten student with a communicative disorder, regularly hits, bites and kicks his teachers and classmates. District officials decided to remove him from his Orange County, California, classroom but found they could not because federal law prohibits students with disabilities from being moved from their current classroom placements unless their parents agree. A federal court ruled that school officials had not proved Jimmy was a danger to himself or the class and thus must honor his father's request to keep Jimmy in a regular school setting.

Although the law defends placement in the least restrictive environment, it does not define what that means, which leaves the question of what is best for a student with disabilities open to wide interpretation. At the same time, the system leaves little flexibility in the way in which services may be provided. One way to avoid difficulties would be for the parents to meet with the IEP team and decide what action would be taken before a discipline situation arose with the child.

FINANCE

The financing of special education is somewhat responsible for its inadequacies. In the beginning, fiscal incentives were used to promote equity and efficiency; students with disabilities had the right to be educated in their neighborhood schools in the least restrictive environment, with aides and supports, alongside their non-disabled peers. Federal law intended to pay each state approximately 40% of the national average per-pupil expenditure, multiplied by the number of special education students identified. But because funds are limited, states currently receive only about 8%, which means states and local districts must pick up the balance and students pay the price in reduced services. District officials place some students in restrictive environments to be eligible for more money. Further, because the formula to receive money is based on categorizing students, it promotes exclusion of students.

Realistically, no funding system is incentive free. Even if the law were changed to provide everyone the same amount of money to serve students with disabilities in their local school, there would be pros and cons. Schools with a small population of students with disabilities likely would have sufficient funds. Larger schools would receive less than if they received money based on the number of students served. Basing funding on criteria other than placement or identification of disability could mean some students would be left out and not receive services to which they are entitled.

Although one perfect system does not exist, the following chart shows current funding formulas and lists the pros and cons — the unintended consequences — of each.

FUNDING FORMULAS FOR SPECIAL EDUCATION

	PRO	CON
WEIGHTED PUPIL FORMULA Distributes funding on a per-child basis, giving different dollar amount for different types of disabilities.	Takes into account that certain types of disabilities cost more than others and makes accommodations for differences.	Difficult to administer and bases incentive on category of disability, meaning students may be misclassified and placed in more restrictive environments.
PER-CHILD FLAT GRANT Provides same per-child dollar amount for every student served.	Easy to administer and counteracts incentive to over-identify students.	Awards only a portion of the total cost of educating students with disabilities; fails to recognize cost differences among disabilities.
WEIGHTED TEACHER/CLASSROOM UNIT Provides different amounts of funding for different types of disability categories. Funding determined on the basis of a group of students within a disability category rather than according to each individual served.	Easy to administer for schools with larger populations of students with disabilities.	Supports placement of students based upon their disability group rather than their individual educational needs. Difficult to implement if there are not enough students to constitute a reimbursable unit.
FLAT GRANT TEACHER/CLASSROOM UNIT Distributes same amount of funding for each classroom formed to serve children with disabilities.	Easy to administer. The incentive is for school districts to integrate students in least restrictive environments.	Small or rural districts may not have enough disabled students to qualify for reimbursement for a teacher or unit; does not take into account the actual cost of educating students with different disabilities.
PERCENTAGE OF COST Based on percentage of allowable or actual expenditures.	Takes into account the differing costs associated with serving children with different disabilities. Costs can be controlled somewhat by the level of reimbursement the state is willing to provide.	May lead to districts' overclassifying students since they are reimbursed for only a percentage of the actual costs. On the other hand, the risk of misclassification is minimal because the district does not need to apply labels to students.

POLICY QUESTIONS

Policymakers following reauthorization of the federal law, working to strengthen state laws or overseeing implementation of laws and regulations affecting special education services should consider the questions below as well as others that apply to particular states or situations.

How are students classified into disability categories?

If classified by tests, are these tests objective or subjective?

Does a child's disability really interfere with learning or has a learning problem resulted from some other cause?

Once a student is placed into a disability category, what incentives exist for getting the child out of that category?

Is there any other way to meet the student's need without placing him or in a disability category?

Is there a way to provide services to students without labeling or putting the child into a disability category?

When disciplinary action needs to be taken in regard to a student with disabilities, are the rights of the teacher and classmates, as well as the individual student, considered?

How can special education services be provided while cutting other costs, such as testing?

Does the finance system used for special education encourage overplacement of students into special education categories? Would another system better serve students in the state or district?

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Clearinghouse NOTES . . . . . TECHNOLOGY

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STATE ACTIONS: TECHNOLOGY

State	Project Type	Description	Funding*
AK	Telecommunications Information Council	Developing a statewide telecommunications plan.	
AL	Technology Scholarship Loan Program for Alabama Teachers	Provides scholarships to teachers securing masters degrees; requires three technology courses stipulated by the program.	$3.4 million in FY95
AR	Distance Learning Demonstration Project (enacted 4/95)	Designed to improve course offerings available to high school students throughout the state; demonstrate the efficiency of using distance learning to enhance education and prepare students for greater success in postsecondary educational environment.	federal and private foundation grants
AR	Arkansas Public School Computer Network	Networks public schools, educational service cooperatives and the State Education Agency; includes staff training.	$550,000 in FY95
AR	Project IMPAC	Arkansas Microcomputer Project for Arkansas Classrooms facilitates the use of instructional technology in public schools. An average of 15% per year of funds go toward teacher training.	$2 million annually
CA	Education Technology Act of 1992	Includes a $279 million one-time block grant in FY95-96 for instructional materials, deferred maintenance, technology and other non-recurring costs. Of $13.4 million approved by State Board in 1995, $6.5 million is to be allocated through a competitive grant and the remainder goes to existing technology projects. Governor Wilson's budget proposal for 1996-97 includes $100 million of additional funding to be distributed on a per-student basis. California Technology Assistance Project distributes funds to the state's eleven county office of education regions according to plans in place.	$279 million one-time block grant in FY95-96; $13.4 million from State Board, approved 7/95; $10 million to refurbish and upgrade donated or used computers
CA	Education Technology Grant Program Act of 1996	Provides technology implementation grants and staff development grants. Provides access to education technology to every learner, including those with exceptional needs. Creates Education Technology Trust Fund to administer matching grants.	$35 million, including $17.5 million from PUC fine money.
DE	Center for Educational Technology (enacted 6/95)	Established to create a modern educational technology infrastructure in public schools.	$30 million allocated for fiber optic network

State	Project Type	Description	Funding*
FL	School Technology Incentive Awards	Provides grants to local boards who fund planned school projects designed to improve use of instructional technology. Requires local districts to spend 30% of their incentive rewards on technology training.	$55 million appropriated for FY95 and FY96
FL	Computer Training	Funds are for developing training materials to train teachers and library/media specialists to use computers for classroom instruction	$2.5 million for FY95
FL	Instructional Resources Network	Used for training teachers and library/media specialists how to access and use the Internet for instruction.	$1 million for FY95
GA	Quality Basic Education (enacted 5/95)	Each school in state will receive $15,000 for classroom computers and technology. Universities will receive $85.8 million for technology and equipment purchases and for construction. In addition, about $20 million will go toward various technology purchases in elementary and secondary schools.	$50 million for school systems; $85 million for universities
GA	Educators' Technology Training Commission (created 1995)	Establishing eight Technology Training Centers to provide free training to local school educators. Conducting a comprehensive study of technology training needs for educators.	$1.55 million in FY95
IA	School Improvement and Technology (enacted 4/96)	State of Iowa owns a fiber optic backbone network capable of carrying voice, data and full-motion 2-way interactive video to at least one educational site in each of its 99 counties, as well as 3 state universities and Iowa Public Television. Each school district will adopt a technology plan. The state pays connection costs for educational and library sites while other "authorized users" pay their own connection costs. Intially connected 103 educational sites in universities, community colleges and K-12 school districts (93-94 school year). 1994 legislation committed the state to paying connection costs for an additional 474 school and public library sites over a 4-year fiscal period (leasing connections from private sector). Five-year plan for school improvement/technology funding for local districts approved in 1996. Provides $30 million a year over 5 years to be distributed to districts on a per pupil basis. Intermediate service agencies to receive $450,000 per year to support technology planning assistance for local districts.	*Construction of fiber optic backbone: $184 million total *Lease and connection costs for 474 schools and libraries: $94.63 million (from FY96 to FY05 *Operations of ICN: FY 96 = $3.5 million; FY97 = $2.4 million *State-funded supports: Iowa Public TV = $700,000 (FY 96&97) *Regional: $2.7 million (FY 96&97) *Coordination and Staff Development: $500,000 (FY 96 & 97)
ID	Educational Technology Initiative (enacted 1994)	Creates a state council for technology in learning and a technology grant program to integrate information age technology with instruction and to connect classrooms with telecommunications services.	Appropriated $10.4 million for FY96, same amount as for FY95.
IL	Distance Learning Foundation Act (enacted 1993)	Creates foundation under the lieutenant governor; promotes increased use of communication and information technology in rural school districts. Conducted week-long educators' academy on incorporating technology into curricula in rural districts. Assisting 23 rural districts in equipping a distance learning classroom.	federal and private sources

State	Project Type	Description	Funding*
IL	Pilot Demonstration Projects	Includes installing T-1 high-speed data lines in schools; partnership bringing museums to classrooms in 98 schools; technical assistance and teacher training to integrate technology into curriculum.	$5 million for FY95 $15 million for FY 96 $30 million for FY97
IN	Indiana Technology Fund	Provides matching grants for establishing one Internet connection in each school corporation; a $10,000 grant to each school corporation to develop a 5-year technology plan; each corporation with an approved plan receives $200 per student for equipment purchases.	$4 million annually; $20 million from gaming revenues; $120 million from Ameritech to network schools and other public entities
IN	Computer Learning & Training Account	Supports professional development for teachers	$1.6 million annually
IN	School Technology Advancement Account	1% interest loans.	$5 million annually
IN	Intelenet Commission	Manages a fiber-optic network connecting 256 institutions of higher education, government agencies and schools in the state.	Ameritech investing $120 million over 6 years to extend network to include as many as 1,700 schools
KS	Technology Planning Guide	An aid for schools in developing technology plans.	none
KY	Kentucky Master Plan for Educational Technology	Calls for connections in all schools, classrooms and school offices with telephone and video in each classroom, a computer for every teacher and every six students. Total cost estimated at $560 million over six years. The statewide network, KETS, provides tech assistance, professional development for teachers, statewide procurement for hard- and software and funding for instructional technology. All 176 districts are online via network of T1 lines.	$195.4 million in state funds spent to date
KY	Education Technology Trust Fund	Recent legislation (3/96) relates to use of local monies to reduce unmet technology needs, recognizing that full implementation of KETS cannot be funded solely through Education Technology Trust Fund.	$40 million for 2 years
MA	Mass Ed Online	Comprehensive study for educational technology, completed in 1994, calls for statewide data network with full access to Internet, currently being established, along with enhanced distance learning capabilities	Projected $730 million to come from federal, state and local funds
MA	Education Technology Bond Bill (pending as of 8/96)	Intends to provide learners, teachers and administrators with direct and indirect grants for technology services and equipment.	$60 million in bonded spending
MD	Plan for Technology in Education (accepted 1/95)	Provides basis for planning and decision making related to technology in education; calls for statewide technology inventory.	Funding may come from non-state sources or gov.'s discretionary budget; no increase to current expense formula

State	Project Type	Description	Funding*
MD	Governor's Initiative for Computers in Schools	Multi-year initiative provides schools with a complete wiring distribution system and some hardware, software and staff training. 90 project schools to participate in 97-98 school year. One of the state's Internet providers is offering free access to the Internet for one year to all 24 school districts in the state.	$1.23 million in FY97 operating budget for hardware, software and teacher training; $3 million in construction
ME	Interactive Televison System (enacted 7/95)	Used bond issue to raise funds to enhance and improve distance learning infrastructure linking state high schools and higher education facilities through an interactive television system	$15,000 bond issue
MI	Michigan Telecommunications Act (reauthorized 11/95)	Allows educational institutions to operate distance learning networks essentially free of regulations; most educational institutions may sell excess telecommunications capacity. Grants for two statewide and six regional projects focus on Internet access; matching funds from Ameritech gave discounts to schools on direct connections to Internet.	$10.5 million in 1995 in one-time grants from Michigan Public Service Commission
MN	K-12 Education Finance Bill of 1995	Establishes a statewide telecommunications network for learning. The "Instructional Transformation through Technology Grants Program"	
MN	InforMNs Project	A joint effort between the Dept. of Children, Families and Learning to provide Internet access for schools	$500,000 for FY96
MO	Educational Infrastructure Tax	Since 1988, Missouri has levied a one-cent tax on videotapes, laser discs and CDs to provide funding for satellite dishes on schools, satellite course fees and other educational uses.	$2 million annually; since 1994, an additional $5 million in lottery funds go to schools for tech acquisition; $5 million one-time appropriation in FY 95
MS	Technology Enhancement Act of 1994	Creates Council for Education Technology to oversee development of state plan; provides funds for implementing approved local technology plans; plans must follow guidelines and set aside 20% for technology professional development.	$90 million
MS	Tech Prep Program	Prepares teachers to use instructional technology hardware and software in their courses.	$1 million annually FY93-95
NC	North Carolina Instructional Technology Plan	Building a comprehensive educational infrastructure, the North Carolina Information Highway.	$42 million for '95-96 school year; $381 million requested over five years
ND	Educational Telecommunications Council	Ongoing statewide planning activities in cooperation with Department of Public Instruction and Goals 2000 panel. Updated plan emphasizing training, accessibility and equity presented to legislature in 1996.	
ND	Center for Innovation in Instruction and SEND-IT	CII provides technology related training and technical assistance; SEND-IT is the state's K-12 computer network and Internet gateway.	state university system and Department of Public Instruction

State	Project Type	Description	Funding*
ND	Interactive Video Network	Operated by state university system; provides interactive statewide video conferencing and university-level courses; connected with three K-12 interactive video clusters.	
NE	Educational Telecommunications Act (amended 1995)	Allows Nebraska Educational Telecommunications Commission to establish user fees, penalty fees and other fees; creates NEB*SAT Cash Fund under direction of Commission.	
NE	School Technology Fund	All K-12 public school districts or affiliates shall have a direct connection to a statewide public computer information network. Funds may be used subsequently to purchase or install equipment, develop network capabilities within a district or for other telecomputing needs. All schools should have Internet access by end of '96-97 school year.	taxing authority granted
NJ	Distance Learning	State appropriation provides for four competitive grant programs that establish model distance learning sites.	$1.3 million for FY96
NJ	Technology Grants	Provides for educational technology entitlement grants to every school district; statewide technology plan completed in 1993.	$10 million in FY97
NM	Finances for Technology	Amends Article 9, Section 11 of New Mexico's constitution to authorize school districts to incur debt for the limited purpose of acquiring education technology equipment through lease-purchase arrangements without obtaining voter approval.	
NM	Technology for Education Act (amended 1996)	Creates education technology bureau within Department of Education to develop statewide plan to integrate educational technology in public schools, assist school districts in developing technology plans, distribute funds after approval of district tech plans. Creates council on tech education to advise bureau, state board and legislature on educational tech matters. Creates educational technology fund in state treasury.	
NV	Nevada School Network	Currently provides text-based Internet access to every state school; a Trust Fund for Educational Technology was created in July 1995, but no state appropriation made for it. Additional funding provided for by legislature in SB204 in 1995. Contact: Frank South or Lin Forrest at 702-687-9141	$400,000 to Department of Education and $5 million to University and College System Network
NY	Long Range Plan for Technology in Elementary and Secondary Education (1990)	Approved by state board of regents in 1990; being updated to reflect use of technology, raising standards and the implementation of new curriculum frameworks. A K-12 model schools program provides teachers with opportunities to expand their knowledge and skills by integrating technology into classroom practice.	
NY	MST Learning Standards	As part of curriculum reform effort, New York State has an integrated set of Math/Science/Technology learning standards.	

State	Project Type	Description	Funding*
OH	SchoolNet Education Technology Initiative	Provides every public school classroom with wiring for at least one telecommunications connection (phone, voice, video and data) with other classrooms in same school. Nearly half of funds to support equipment purchases for poorest 25% of schools.	$95 million in bond issues authorized over 5 years beginning in 1994
OH	SchoolNet Plus	Provides at least one interactive computer workstation for every five students in K-4. Funds may be used also for electrical upgrades, computer hardware, training and services, software, texts and other tech uses.	$125 million authorized; additional $275 million for FY97-98 to be considered in January '97
OK	OneNet	Providing telecommunications infrastructure for state, with 33 hub sites established, connecting 82% of population.	$6 million from state; $1.5 million from US Department of Commerce TIIAP grant; $1.4 million from Southwestern Bell
OR	Oregon Public Education Network	Connects schools to the Internet and is rapidly expanding.	grass-roots contributions and state support
PA	Distance Learning Act of 1994	Provides for use of funds by State Public School Building Authority to lease telecommunications and distance learning equipment.	
PR	Puerto Rico Star Link Project	Benefits students and teachers in 40 public schools by making communications technology available to strengthen the teaching and learning processes. Collaborative effort between the Puerto Rico Department of Education, the Federal Department of Education and the Ana G. Mendez University System.	$1.5 million
RI	Statewide Technology Plan	Completed in December 1995 and submitted for approval to Board of Regents for Elementary and Secondary Education. Recommends educational networking infrastructure, professional development strategies, curriculum integration and funding.	significant funding provided by local districts and philanthropic foundations
RI	RINet	Developed by Department of Education, universities, libraries and public television; dial-up modem banks provide toll free access from anywhere in state; 17 of 36 school districts have direct digital connections to high-speed backbone; Department of Education provides free accounts for all educators.	
RI	External Committee on Telecommunications and Higher Education (1994)	Created by the Board of Governors for Higher Education to identify key policy issues on telecommunications infrastructure, promote technology as educational delivery mechanism, integrate technology with education reforms, assess effects of technology on learning and encourage related research.	
SC	South Carolina Educational Technology Plan	"Connecting South Carolina to the World" released in November 1995.	state foundation raises funds for technology
SD	Rural Development Education Network	A statewide electronic communications system for schools operated by a nonprofit organization.	

State	Project Type	Description	Funding*
SD	Rural Development Telecommunications Network	Services education as well as health, government, and business; includes 18 two-way interactive sites and more than 60 one-way video and two-way audio sites. Nearly all of the one-way sites are in school settings.	
TN	Library Telecommunications Program	Established text-based Internet connections in all school libraries and media centers for each district's technology coordinator; Internet research training for librarians. Additional funds have been allocated to upgrade to graphics and connect all schools by the fall of 1996.	$16 million in state funds for this and other technology related projects
TN	Educational Technology	Includes $74 million for teacher training, state-of-the-art technology in 4,800 "21st Century classrooms" and yearly training, state salary support and benefits for local technology coordinators.	$98 million since 1993-94
TX	Telecommunications Infrastructure Fund (1995)	Funded by telecommunications utilities and commercial mobile service providers, used to wire public and private schools, libraries and other public benefit institutions for telecommunications access. A 9-member board oversees the expansion of telecommunications infrastructure. (HB 2128) Previous legislation allows districts a 25% discount on tariffed rates.	$150 million per year for 10 years
TX	Technology Allotments (amended 1995)	Since 1992, all school districts are eligible for a $30 per student technology allotment. The 1995 legislative session rolled the technology allotment into the State Textbook Fund and changed rules for "adopting" textbooks, making it easier for schools to use textbook funds to purchase software and other electronic materials.	
TX	Center for Educational Technology (1995)	Under the State Board of Education, the center's purpose is to improve the quality and efficiency of the educational process through research, development or site evaluation of educational technology applications.	
TX	Teacher Training	Provides technology training to school staff through 20 Regional Service Centers, including training on TENET, the state education network, and T-Star, the state satellite network.	$6.62 million in FY95
UT	Educational Technology	Provides for K-12 educational technology, two-way interactive distance learning capability and Internet connectivity. Each public K-12 school will be connected to Internet by the 1997-98 school year. The Flexibility with Technology Money act allows districts greater flexibility in the amount of state education technology monies used for inservice training.	$70 million in state funds to date
UT	UtahLink	Provides a menu of on-demand electronic educational materials and informational services.	
VA	Budget Amendments for 1994-96 Biennium (5/95)	Budget amendments allocated funds for increased access to technology through media centers for middle schools.	$6.7 million in FY95-96 for middle schools; $8.1 million allocated in FY94-95

State	Project Type	Description	Funding*
VA	Educational Technology Initiative (revised 4/96)	Operates under a statewide technology plan developed by Virginia Educational Technology Advisory Committee, which distributed state's second six-year plan in August 1995 focusing on infrastructure, classroom and administrative technologies, teacher training and technical assistance, and evaluation. Each of the 132 school divisions is to have a plan.	
VA	Omnibus Education Act of 1995	Sets goal to expand access to educational technology by automating public school libraries and networking from libraries to individual classrooms in all schools.	
VA	Public Education Network (PEN) and Satellite Educational Network (VSEN)	PEN is a free K-12 data and information network; VSEN is a distance learning network.	$69.5 million in 1994-95 state funding for library media centers, networking
VA	Technology Training for Teachers & Administrators (enacted 1/96)	Directs State Council of Higher Education to establish institutes providing technology training for elementary and secondary school teachers and administrators .	$1.6 million from local share requirements
VA	Virginia Public School Authority	Issued bonds for improving educational networks and technology. Contact: June Eanes at 804-225-2755	$17.8 million for network; $28.4 for elementary school media centers in FY95-96; $55 million in FY96-97
VT	K-12 Net	More than 100 public schools are connected to K-12 Net with local phone access. Building telecommunications infrastructure to connect schools to the Internet with capital funding. In addition, the University of Vermont developed a distance learning program offering advanced placement courses to high schools.	
WA	Coordination of Educational Technology Systems (enacted 1/96)	Establishes the higher educational technology advisory committee to foster coordination of educational technology among all educational sectors and other federal, state and local government entities.	
WA	1993 Education Reform Act	Mandates a Technology Plan for K-12 Education (released in September 1994 with recommendations for 1995-97) and provides for technology support to school districts through Educational Technology Support Centers, enhancement of statewide data network with nine Internet hubs, regional networking consultants and establishing the Washington Interactive Television system for video conferencing.	one-time allocation of $20.61 per student to districts for "instructional materials and technology related investments"
WI	Pioneering Partners Grants and Loans (enacted 1995, revised in 1996)	Provision of the state budget bill enables schools and libraries to improve access to advanced telecommunications and distance education technologies through loans or grants. Also creates Educational Technology Board which administers program and reviews applications. Act 351 in 1996 increases FY1996-97 appropriation by $5 million for total of $15 million in grant monies.	$10 million in state grants annually from general fund; one-time additional appropriation of $5 for FY96-97; $15 million from State Trust Fund annually through 2000 for loans

State	Project Type	Description	Funding*
WV	Technology and Telecommunications Initiatives	The Basic Skills/Computer Education Program has provided since 1990 hardware and software for 4,375 K-6 classrooms; trained 11,000 educators. Fifty technology demonstration sites use advanced multimedia. The Curriculum Technology Resource Center has 222 sites with laserdisc technology integration.	$1.8 million for FY96 for telecommunications technology; $2.1 million from State School Building Authority for wiring
WY	Goals 2000--Technology in Education Panel	In initial stages of developing statewide technology plan for all state educational entities; completion projected for May 1997.	none designated to date

* **Funding** is from state appropriations unless otherwise specified.

Sources

- Information Clearinghouse, Education Commission of the States
- **Getting America's Students Ready for the 21st Century; Meeting the Technology Literacy Challenge, A Report to the Nation on Technology and Education**. United States Department of Education, 1996.
- *Training Teachers to Use Technology Effectively, A Regional Survey (Discussion Draft)*. Southern Regional Education Board, 1995.

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Textbook Adoption/Selection/Fees

State or Territory	*State Level Textbook Adoption*	*Local Education Agencies Textbook Adoption*	*Free Textbooks*	*Some Rental Fees allowable by law*
Alabama	X		X	
Alaska		X	X	
American Samoa	at territorial level		X	
Arizona	X[1]		X	
Arkansas	X		X	
California	X[2]		X	
Colorado		X		X
Connecticut		X		X
Delaware	X		X	
District of Columbia		X	X	
Florida	X[3]		X	
Georgia	X		X	
Hawaii	X		X	
Idaho	X		X	
Illinois	X[4]			Some districts
Indiana	X			Rental fees for all
Iowa		X		Many districts assess fees
Kansas		X	X	
Kentucky	X			K-8 is free, H.S. buys or rents
Louisiana	X		X	
Maine		X	X	
Maryland		X	X	
Massachusetts		X	X	
Michigan		X	X	
Minnesota		X	X	
Mississippi	X		X	
Missouri		X	X	
Montana		X	X	
Nebraska		X	X	

State or Territory	*State Level Textbook Adoption*	*Local Education Agencies Textbook Adoption*	*Free Textbooks*	*Some Rental Fees allowable by law*
Nevada		X	X	
New Hampshire		X	X	
New Jersey		X	X	
New Mexico	X		X	
New York		X	X	
North Carolina	X			**Permitted**
North Dakota		X	X	
Ohio		X	X	
Oklahoma	X[5]		X	
Oregon	X		X	
Pennsylvania		X	X	
Puerto Rico		X		
Rhode Island		X	X	
South Carolina	X		X	
South Dakota		X	X	
Tennessee	X		X	
Texas	X		X	
Utah	X			**Some H.S. charge rental fees**
Vermont		X	X	
Virginia	X		X	
Washington		X	X	
West Virginia	X		X	
Wisconsin		X		**Permitted**
Wyoming		X	X	

Notes:

1. Arizona is a textbook adoption state at elementary level. Local school boards select instructional material at the secondary level.
2. California has state level textbook adoption at the elementary levels. Secondary textbooks and other instructional materials are selected by local school boards.
3. Florida appoints state instruction councils that recommend instruction materials. From the state list, local education agencies select textbooks.
4. Illinois utilizes a State Board of Education approved list of textbooks from which local school boards select.
5. Oklahoma has a governor-appointed state textbook committee to select a number of texts in each subject area. Districts employ a local textbook committee to choose from state approved list.

Compiled by the ECS Information Clearinghouse, with special thanks to Dr. Wanda Riesz, Education Specialist, Indiana House of Representatives. (Sources: National Council of State Legislators, Education Commission of the States, Council for State Government, Council of State Schools, Association of American Publishers, United States Department of Education, Research Division, National Association of State Textbook Administrators, and the following departments of education: Arizona, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Massachusetts, Missouri, New Jersey, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, Wisconsin, and Washington).

State Details/Textbook Adoption

Alabama

Alabama law mandates selection criteria for textbook adoption for all public schools. A course-of-study committee submits its course outlines to the state textbook committee for recommendations. The committee is composed of 23 individuals who serve one-year terms. Members are required to file affidavits assuring that conflict of interest or publishers' rewards do not exist.

Using the approved course outlines, the textbook committee recommends six books for each subject area as divided over a six-year cycle. Local textbook selection committees are assigned by each local board of education and their policies are filed with the state superintendent. Local committees select textbooks from the state approved list, "except for local school systems currently having the right to adopt and use textbooks that are not on the state approved list....". Publishers must file a list of representatives who are authorized for Alabama and an intent to bid. Requisitioned textbooks are sent to a privately owned warehouse for local ordering and distribution.

Alaska

The Alaska State Department of Education does not require selection criteria nor review textbooks for school use. Alaska AS 14.07.050 states: "Textbooks for use in the public schools of the state shall be selected by district boards for district schools." Upon request, the department provides local education agencies with assistance on criteria for material selection.

Alaska Administrative Code AAC 06.550 states "Instructional materials which portray people or animals having identifiable human attributes, must portray males and females in a wide variety of occupational, emotional, and behavioral situations, and present each in the full range of its human potential.

Local districts select textbooks in mathematics, science and computer education. Local districts provide any training that selection committees may receive.

American Samoa

Adequate instructional supplies shall be provided within the limits of the existing budget and good professional judgment. Instructional materials shall be provided that will enrich and support the curriculum, taking into consideration the varied interest, abilities and maturity levels of the pupils served. Materials must conform to the philosophy and goals of the department of education. In order to assure equal educational opportunities for all students, the department of education will make available to each student, at no cost to the student, the textbooks required by the individual student's program.

All textbooks and text materials used in the instructional program of the department of education shall be recommended by the subject area standing curriculum committees to the IMT for review, with ultimate approval by the Director or Education.

Arizona

Although Arizona is a textbook adoption state (at elementary school-level), 1976 legislation changed the official textbook adoptions to "suggested" rather than prescribed lists. Local school boards select all textbooks used in the schools and purchase directly from the publisher under contracts negotiated by the state board. Local boards may purchase textbooks listed on the state list, but such selection is not mandatory. The state textbook evaluation committee consists of 27 members, 18 of whom are educators representing various geographical areas and grade levels.

Minority Representation. State board rules mandate that a concerted effort be made to include varied ethnic representation on the state textbook evaluation committee.

Citizen Review and Participation. Sample copies of all materials considered for adoption must be filed in the state department of education office and at each county superintendent's office no later than September 1 of the school year. Parents and interested citizens are allowed to purchase copies of these materials.

Arkansas

Arkansas provides textbooks and instructional materials for all students attending public schools in grades one through twelve.

The adoption process includes several stages: call for bids, appointment of selecting committees, review and evaluation of materials, public display, final hearings and committee recommendations. The Arkansas State Board of Education adopts the final list, which is published in a catalog provided to each school district in the state.

Local district adopting committees make selections from the state-approved list after an opportunity to attend formal presentations from publishers at 30 locations around the state.

Textbooks are selected every five years at the state level.

California

The state constitution charges the state board of education with responsibility for adopting textbooks and instructional materials for students in the elementary grades. The board is assisted by an advisory body, the Curriculum Development and Supplemental Materials Commission, which was established by the legislature. The curriculum commission appoints, with approval by the board, individuals to a committee of educators to write curriculum frameworks and textbook criteria. These frameworks influence publishers in the development of textbooks and related materials as well as school districts with curriculum planning at the local level. The curriculum commission also appoints, with the approval of the board, evaluation panels that review the educational content of textbooks and instructional materials. The curriculum commission uses these evaluations in preparing adoption recommendations for the board. The board is also advised by legal compliance committees that evaluate the social content of textbooks and instructional materials. Nominated members of these committees and panels must sign disclosure statements to assure that standards are maintained and that conflicts of interest are not present.

The process of adopting textbooks and instructional materials includes various steps: the development of curriculum frameworks and textbook criteria, public display of materials, legal compliance review, educational content evaluation, and citizen review and participation. This process culminates in state board adoption of a list of textbooks and instructional materials and the publication of a department of education catalog that is distributed to each county, school and district. Elementary materials are adopted on a six year cycle.
Secondary textbooks and instructional materials are selected by local school districts. Los Angeles, San Diego and San Francisco, as well as other school districts in the state, have textbook selection practices to cover secondary schools, and in some cases vocational and adult schools that are not included in the state adoption process.

Colorado

Due to the state constitution, the department of education does not have any regulation or policy on textbook selection. In most districts, local school boards select textbooks. Upon request, the Equal Education Opportunity Division provides technical assistance to local education agencies on selection criteria for instruction materials. District-level public displays are most often held in April and November for citizen review of books under consideration.

Connecticut

Connecticut has no state adoption policies. Upon request, the Equal Educational Opportunities Commission will provide technical assistance to local school districts on criteria for selection of materials.

Sec. 10-18a. Contents of textbooks and other general instructional materials. Except where a legitimate educational purpose will otherwise be served, each local or regional board of education shall, in selecting textbooks and other general instructional materials, select those which accurately present the achievements and accomplishments of individuals and groups from all ethnic and racial backgrounds and of both sexes. Nothing herein shall preclude the use of instructional materials and teaching which emphasizes the traditonal family structure.

For science textbooks, the state department, regional science centers and sometimes commercial firms provide textbook selection consulting services.

Delaware

The state board of education, which is authorized to prescribe rules and regulations governing the choice of textbooks and other instruction materials used in all public elementary and secondary schools, adopts state guidelines for the selection of instructional materials for use by local school districts. The decision of the state board is final as to whether any textbooks or instruction materials do, in fact, meet the prescribed criteria.

Committees of educators and community members at the local level make textbook selection decisions based on the state guidelines for the selection of instructional materials.

District of Columbia

Teacher committees under the leadership of the various subject area offices recommend books for an approved listing. For mathematics and science, textbooks are chosen every five years.

Florida

The commissioner of education annually appoints state instruction councils that recommend instruction materials for elementary and secondary grades. Each state council consists of nine members: four must be certified classroom teachers in the area for which textbooks are being adopted; two must be laypersons, one a school board member, and two must be supervisors of teachers. Master teachers and other teachers who have received recognition are encouraged to serve on these instruction councils. The state councils are responsible for the following: adopting criteria and procedures for evaluating instruction materials, establishing guidelines for district instruction materials councils, and recommending specific instruction materials based on evaluations received from district councils.

At the local level, textbook committees select books from the state-approved list for science, mathematics and computer education. Textbooks are selected every six years.

Minority Representation. Florida Ch. 233, states that recommended instruction material should accurately portray the cultural and racial diversity of American society. It forbids the recommendation of any instruction materials that reflect unfairly upon persons because of their race, color, creed, national origin, ancestry, sex or occupation.

Citizen Review and Participation. At least one-third of the membership of the district instructional councils must consist of laypeople. The state councils prescribe the manner in which individual and district evaluation of textbooks under consideration are submitted. Sessions of all councils, state and district, are open to the public. Materials must be placed on public display for a period between October and December. Interested persons may make, in advance, a written request for a presentation before the councils at the adoption meeting held in January.

Georgia

The state department of education sets general criteria for adopting textbooks. State textbook advisory committees examine textbooks and make recommendations to the state board. The committees, composed of professional educators and laypersons appointed by the state board, are from their respective congressional districts. Educators and laypersons are recommended by the state superintendent and approved by the board to serve at large. Each committee member establishes subcommittees to review the textbooks. The state board may accept or reject, in whole or in part, the textbook recommendations of the text advisory committees. Local school boards may furnish free textbooks not on the state approved list.

Minority Representation. No stipulation is made for minority representation on the committees. The selection criteria state that any text will be unacceptable for adoption for purchase with state textbooks funds if it ridicules ethnic groups or races, portrays human stereotypes or is insensitive to individual worth or aspirations of any group.
Citizen Review and Participation. A list of titles under consideration is made available to the public in May of each year. Interested citizens may present their views on any books under consideration at the October meeting of the state board. Written appeals may be submitted within six months after adoption.

Hawaii

Hawaii policy and regulations require schools to purchase approved instruction materials. The office of instructional services has established committees of educators (recommended by local districts) to recommend instruction materials for approval by the superintendent of education. Committee members receive instruction on procedures and criteria for selection.

At the local level, committees composed of classroom teachers, resource teachers and educational specialists recommend textbooks from an approved instruction materials list, developed annually by similar committees. Local committees are guided by administrators, and state personnel provide necessary technical and consulting services.

Minority Representation. Materials that contain biased or stereotyped portrayals of ethnic minorities are not recommended for use in the public schools. State and district curriculum specialists have the inherent responsibility for promoting fair ethnic representation in curriculum materials through continuous review. Technical assistance is provided by the Hawaii Management Audit and Civil Rights Branch, Office of the Superintendent, Hawaii Department of Education.

Idaho

Idaho Administrative Code Section 08.02.05.230 contains the regulations for textbook adoption. A committee, appointed by the state board of education and composed of educators, includes regular members with five-year terms and specialists with a one year term. Committee members must involve others in the evaluation process. Textbooks may be submitted by publishers any time prior to November 1 of the school year. Guidelines are mandated for interviews by publishers with committee members.

Citizen Review and Participation. The spring meeting of the state textbook and improvement of instruction committee is open to all interested persons. At this meeting, publishers give presentations and committee members question them on the materials. Prior to the fall meeting, materials are available for citizen review, and questions on the materials under consideration may be directed to committee members.

Illinois

Under the Textbook Loan Program, the state board of education purchases textbooks for public and nonpublic students enrolled in kindergarten through grade twelve. A list of textbooks from publishers bonded by the state board of education is sent to local school authorities. Local school boards select textbooks needed for schools in their jurisdictions.

The Instructional Materials Act provides that two or more boards may jointly carry the provisions for instructional material distribution. Local school boards must furnish the regional superintendent with a list of all instructional material being used in any school.

Indiana

Indiana adopts textbooks and provides them for rental by local school corporations, but does not purchase books or provide state support for their purchase at the local level. With a petition signed by 51% of the voters, local districts may purchase textbooks from the approved list for free use by students.

Selections for the state-approved list are made by the state board of education. Textbooks may be accessed through the school library at no charge. The board is required to adopt textbooks for each subject and grade. Local superintendents also appoint advisory committees, 40% of whom must be parents and the majority teachers. The list of books selected at the local level is submitted to the state board. Unless a waiver is granted by the state board, schools using unapproved textbooks may lose their accreditation.

Textbooks are selected every six years for mathematics, science and computer education. Those who review textbooks participate in training workshops.

The Indiana Consortium for Computer and High Technology Education operates a clearinghouse that evaluates both hardware and software programs.

Minority Representation. No law or policy requires minority representation in the textbooks. A committee of textbook reviewers does evaluate the documents that could reflect all forms of racial intolerance.

Citizen Review and Participation. Time and place of adoption meetings must be publicized at least 30 days prior to the meeting. Textbooks submitted by the publishers must be available for public review for at least six weeks, beginning September 15 of the school year, in each of the nine regional service education centers. Public hearings must be conducted as often as necessary after November 1 and prior to the selection of textbooks.

At the local level, advisory committees of teachers, parents and administrators select textbooks from the state-approved list.

Iowa

The adoption and purchase of textbooks and instructional supplies is the authority and responsibility of the board of directors of each local district. The department of public instruction provides local districts with a model policy on "Selection of Instructional Materials" that, while not required, has received extensive utilization.

For science, local curriculum selection committees may use a department document entitled "A Tool for Assessing and Revising the Science Curriculum," which includes a guide for "Matching Local Science Curriculum Needs to Available Science Programs." Science textbooks are generally adopted every five years. A state science consultant provides regular personnel and process updates at inservice programs.

Minority Representation. A state mandate requires each district to teach from a multicultural, nonsexist perspective. The education equity staff in the state education agency provides technical assistance and publications to assist local districts in textbook selection.

Kansas

Local boards of education approve and adopt suitable textbooks and study materials.

Kentucky

Kentucky adopts a state multiple list of textbooks as recommended by the State Textbook Commission. Commission membership consists of the state superintendent of public instruction and 10 appointed members: eight of whom are educators and professionals and two of whom are lay representatives with children in the public schools. A maximum of ten titles for each subject are listed for use as basal textbooks, and local districts adopt from this list. Local districts may select supplemental materials not on the approved lists. The department of education's Office of Instruction distributes optional guidelines for local districts to follow in selecting textbooks and in handling questions or challenged materials.

Louisiana

The textbook adoption procedures of Louisiana stipulate that recommendations of persons to serve on the state textbook adoption committee be received from members of the state board of education, college and university presidents, parish, city and diocesan school superintendents. Eight professional educators, four non-educators, and two educational alternates make up each committee. The state superintendent selects from these recommendations of each committee.

Hearings are held beginning with the first hearing in September and the second in November. At the first hearing, staff members of the department of education serve as consultants on curriculum content needs. The first day of the initial hearing consists of a one-day inservice training session for all committee members, followed by up to one hour publisher's presentations. Committee members are given 60 days to review books before the second hearing.

The second hearing consists of final discussions among committee members, short presentations by publishers (if committee requests), scheduled comments by each concerned citizen, and rebuttals by publishers. Committee members vote in open session and their recommendations are compiled and submitted to the state board by way of the textbook and media advisory council, and the textbook and media committee prior to final approval by the full board of elementary and secondary education.

At the state level, textbooks are adopted on a six-year cycle, with indeterminate contracts. However, Louisiana is the only state that gives indefinite contracts with a 90-day cancellation provision. At the local level, school systems are required to hold adoptions within 12 months after the state adoptions.

Minority Representation. Guidelines state that "recognizing the First Amendment rights of every citizen of the United States, textbooks shall clearly recognize that cultural, religious, social, ethnic, and sexual differences can be utilized to promoted successful learning." An addendum notes that textbooks shall not promote discrimination on the basis of race, color, creed or national origin or handicap.

Citizen Review and Participation. There are nine public display sites for all basal textbooks presented for consideration. The public is invited to review material prior to, during, and after the adoptions and is invited to submit in writing a list of objectionable material and the reasons for objections. This must be done prior to the second hearing.

Concerned citizens are allowed to present written comments orally before the state adoption committee at the second hearing. After the committees have made their recommendations, the concerned citizens still have three opportunities to present further opposition to the textbook and media advisory council, the text and media committee, and the full board of elementary and secondary

Maine

The state board of education or the department of education does not participate in the selection process. Local selection committees are composed of administrators and teachers with expertise in the subject area under consideration. Their selections are subject to approval by the local school board. Textbooks must be up to date. Social studies and science textbooks should not be older than 5 years unless up-to-date supplemental instructional materials are also available.

Maryland

District school boards have the authority for acquiring textbooks, which local committees review and select. The cycle for reviewing/changing textbooks varies across districts.

Massachusetts

Laws do not exist for any type of textbook evaluation or selection. Local school district committees have the authority to select all instruction materials.

Michigan

The state does not mandate textbook adoption. However, textbook selection is guided by a state list, and prices and samples must be filed with the state department along with a bond guaranteeing lowest price for any purchase considered.

At the local level, curriculum committees select textbooks for mathematics, science and computer education. Selections are made every five years.

Minority Representation. Sec. 1173 of the 1976 School Code requires instruction materials to reflect past and present pluralistic, multiracial and multiethnic features of its society. In 1981 a review was conducted of instruction materials for social studies. A bias review checklist was provided for evaluation of content for racial slurs, stereotyping and erroneous group representation of gender, race, ethnic groups, religions or handicapped persons.

Minnesota

Minnesota does not adopt a state-approved list of basal textbooks. The Department of Children, Families, and Learning has minimal contact with publishers and is involved with textbook criteria and selection only as requested by local districts. The Office of Teaching and Learning provides assistance upon request.

Mississippi

Mississippi appoints textbook rating committees of seven members each. Three educators in the subject area being reviewed are appointed by the state superintendent. The other four members are appointed by the governor. All adopted books, five per subject, must be recommended by a majority of the committee members, who must submit reasons for recommendation or dissension. The state textbook board has the power to reject any of the rating committees recommendations, but cannot adopt any book not recommended by a rating committee. The state textbook board consists of the governor, state superintendent of public instruction and three educators appointed by the governor from each of the supreme court districts. Publishers may meet with individual committee members for the 20 to 50 minutes and may not meet with the committee as a whole except for the initial and final approval meetings. Publishers' representatives do not meet with the textbook board. Training at the state level is provided for members of the state textbook board.

Citizen Review and Participation. Schedules of local hearings are available after publishers have declared their intent to participate. Individuals or groups submit, on an official protest form, problems and complaints concerning the textbook program. These problems are presented to the state textbook board in regular or called meetings.

At the local level, for mathematics, science and computer education, textbook selections are made by a group of teachers in the subject areas along with building and district administrators. Training is provided through inservice education. Textbooks are selected on a six-year cycle.

Missouri

All textbooks are selected by local boards of education. Local school boards are to purchase textbooks that are on file with the Missouri State Board of Education. The guidelines are currently being revised and updated.

Montana

In Montana, textbooks are selected by local district superintendents or by school principals in the absence of district superintendents. Selections are subject to the approval of the trustees. In districts not employing superintendents or principals, the trustees select and adopt textbooks on the recommendations of the county superintendent. All textbook dealers selling in Montana must be licensed by the state and file a written agreement with the superintendent of public instruction. Books may be purchased only from licensed dealers.

For science textbook selection at the local level, science teachers recommend textbooks, and superintendents make the final selection with board approval. Textbooks are selected every five or six years.

Nebraska

Nebraska policy and practice allow local school districts complete autonomy in the selection of textbooks. The state department of education does not review or recommend texts but maintains a curriculum library and provides technical assistance in selection criteria.

Nevada

In 1981 the Nevada State Textbook Commission was abolished by the legislature. The department of education now administers state textbook procedures through a process of classroom testing of textbooks prior to their adoption. After textbooks are adopted, all districts select their textbooks from the resulting lists. The state enters into a four-year single price contract with publishers for textbooks in grades one through eight. Adoptions are made for grades 9 through 12, but without state contracts with publishers.

At the local level, selection committees are made up of teachers and administrators in larger districts, and individual teachers in rural areas. Textbook selection usually occurs every four years.

Minority Representation. The evaluation criteria mandated for classroom testing includes general and special concerns such as ethnic groups, sexism, aging and handicapped persons.

New Hampshire

All selection of textbooks is done by local boards of education. The state department of education issues "Suggestions for the Election of Instructional Materials to school districts.

At the local level, individual teachers or committees of teachers, in conjunction with local administrators, select textbooks for science, mathematics and computer education.

New Jersey

Local school districts in New Jersey evaluate instruction materials already in use. The Educational Technology Unit in the department of education provides evaluation of software packages and helps districts select software.

Minority Representation. The state department of education provides technical assistance to aid in the elimination of prejudice on the basis of race, creed, color, religion, sex, ancestry and social or economic status. Publications and evaluation forms provide criteria for evaluating multiethnic education program compliance.

New Mexico

The director of the instructional material bureau is the general chairperson of the overall adoption of the multiple textbook list for New Mexico. The assistant superintendent for instruction designates committee chairpersons who recommend members to the committees from lists submitted by the state board of education, school administrators and citizens. Chairpersons may add members to assure representation of a majority of educators in the field, wide geographic and ethnic representation, and the inclusion of parents.

Minority Representation. The state board of education has adopted educational standards evaluating historic and current achievements of minorities, materials that honestly convey the exploitation of people and the hardship imposed through exploitation, portrayal of minority groups in varied communities and all ranges of the socioeconomic status.

Citizen Review and Participation. Public hearings are scheduled prior to annual adoption of textbooks. Regional centers receive samples of instruction materials, make them available to evaluators and schedule publishers' presentations. Evaluation reports from these centers and the advisory committees are transmitted to the state board of education for final approval.

New York

Each of the approximately 713 school districts is legally responsible for the selection and purchase of elementary and secondary school textbooks. Although no formal procedure exists, state syllabi are available as guides in availability and selection of textbooks.

Minority Representation. The state department of education can assist individuals in obtaining materials about Native Americans, as well as other minorities.

Citizen Review and Participation. Guidelines are prepared by the state for local use in attaining and assuring community participation.

North Carolina

The state board of education adopts all basic textbooks but allows local schools to determine supplementary and library materials. The governor appoints a 14 member textbook commission, upon the recommendation of the state superintendent of public instruction, for a four-year term. Seven of the members must be teachers or principals in elementary schools, five members must be teachers or principals in secondary schools and two must be laypersons who are parents of elementary and secondary students. One may be a superintendent. Each member must examine the potential textbooks for his/her elementary and secondary level and discipline, and file a written evaluation of each. Commission members secure the help of advisory groups, usually 8 to 12 members, to review the books. Laypeople and students can be used for these reviews.

At the state board of education meeting immediately following the submittal of evaluations, the commission meets with the board to determine which textbooks will meet the course objectives. Bids are then requested from the publishers on these

selected textbooks. Any bids may be rejected and a call for new bids made. The state board of education operates a depository for all adopted textbooks.

The media evaluation center of the department of education provides computer courseware packages for examination, and also reviews courseware.

At the local level, committees composed of leadership personnel and teachers select textbooks from a state adopted list. Selection usually occurs every five years.

Local selection committees receive training through meetings/workships conducted by the state department of education.

North Dakota

Textbook dealers must file a bond with the superintendent of public instruction and provide a copy of each textbook. A listing of bonded publishers is made available to schools. Schools are urged to purchase textbooks from publishers that have filed a bond with the state education agency.

At the local level, the school board establishes a procedure for selection of textbooks and approves the selections. Procedures vary, but usually administrators and teachers are involved. Textbooks are updated at least once every ten years.

Ohio

Textbook adoption in Ohio is the responsibility of local boards of education. Ohio has a textbook adoption law that requires publishers to file with the state department of education each calendar year a statement that the list wholesale price charged to Ohio school districts will be no more than the lowest wholesale price available to school districts in any other states.

At the local level, textbook selections are generally made by curriculum directors and teachers. Various workshops from the state department of education are available on request on problem solving, content, etc.

Oklahoma

Oklahoma has a governor-appointed state textbook committee composed of two members from each congressional district and one layperson with a child in public school. A majority of the members must be classroom teachers. The committee is assigned for three years, receives $25 per day and calls it first meeting annually within one week before June 1. The textbook office conducts training for the selection committee through annual reviews of the process. Ten books in each subject area (including mathematics and science) are adopted for five years, no later than December 1 of the selection year. For computer science, materials are selected every three years.

Local textbook selection committees from each district, consisting from five to eleven members, are appointed by the superintendent. A majority of the members must be classroom teachers, one must be a layperson and the superintendent is the chairperson. Training may occur through staff development programs. Selected textbooks are issued through publishers' depositories.

Citizen Review and Participation. All meetings of the state and local committees are open to the public. Votes are recorded by name, and records are subject to public inspection upon request.

Oregon

Oregon staggers subjects for review over a six-year cycle. Textbooks are adopted in even-numbered years on the third Monday of November and distributed in odd-numbered years. A seven member textbook commission consists of three teachers (one of whom teaches at the postsecondary level), three school administrators and one public member.

The state board of education ratifies or rejects the committee-selected books based on the criteria and guidelines it has adopted. With the assistance of teachers and administrators, local school boards select the textbooks from the state adopted multiple choice list. With the approval of the state department staff, local school boards may adopt textbooks in place of or in addition to those on the state adoption list if these meet the criteria and guidelines.

Minority Representation. Sec. 337.260 states that respect for all people be reflected in the textbooks adopted by the state board of education. The law specifies race, color, creed, national origin, age, sex or handicap and the contribution of such individuals to American history and system of government.

Citizen Review and Participation. The textbook commission holds public meetings. Local school boards also are allowed citizen involvement in the selection process.

Pennsylvania

Local school boards adopt textbooks at any meeting between April and August for use in the schools within their districts. District superintendents, after consultation with teachers, report suggested adoptions or changes of textbooks. No adoption or change of textbooks is made by a board without the superintendent's recommendations, except by a two-thirds vote of the board.

At the local level, textbooks are usually adopted on a cycle which ranges form three to seven years.

Puerto Rico

At the local level, a group of supervisors and teachers evaluate and "field test" textbooks for mathematics, science and computer education.

Rhode Island

Local school committees regulate, prescribe, direct and select the textbooks for use within their own jurisdictions. Textbook changes cannot be made more frequently than once every three years unless permission is given by the state department of education. Changes in textbooks can be made by a majority vote of a town's school committee.

South Carolina

The state board of education shall have the responsibility and duty to adopt the instructional materials used for instruction in the free public schools of South Carolina. The state board of education shall appoint, with the recommendations of the state superintendent of education, and instructional materials advisory committee. The instructional materials advisory committee can recommend an unlimited number of items or series of items for official adoption by the state board. Additionally, there is a 30 day period for public review, and local school districts may submit materials for approval by the state board.

The textbook and curriculum advisory committee consists of 14 members: eight education administrators, five state education agency staff in curriculum and instruction and one lay citizen, who preferably is a former member of the state board of education.

The evaluation and rating committees contain a balance of urban and rural representatives with 9 to 12 members, all directly or previously involved in education and one-third of whom are classroom teachers in the subject area being evaluated. All committees are authorized and directed to secure the assistance of any consultants deemed proper.

For computer education, computer consultants/teachers may participate in decision making at the local level. (The local district director of instruction or the superintendent has responsibility for textbook selection.) The department of education has provided a guide, "Preparing for Computer Use," which includes course outlines, a list of teaching resources, and a list of suggested software.

For mathematics textbook selection at the local level, teachers and district administrative staff participate in the decision making process. For science teachers, supervisors, college professors and state science consultants participate in textbook selection at the local level. Mathematics and science textbooks are usually chosen every four to five years.

Citizen Review and Participation. Legal advertisement is made in at least one daily newspaper in the state on notification of bids to be accepted.

South Dakota

The state board of education's authority to review textbooks and other material was repealed in 1995 by HB 1329. All authority in this regard is now at the local level. The need to select new textbooks is determined at the local level by staff.
Minority Representation. The guidelines and criteria require materials to be evaluated on social fairness and recommend that the 6% Indian population be reflected in an equal ratio. Checklists are provided for evaluation of bias.

Citizen Review and Participation. The appropriate administrator of the local school appoints a textbook selection committee that includes parents and citizen representation. Parents and citizens can request a reconsideration of selected materials, which must be reviewed by a standing or ad hoc committee within 15 days. The recommendation of the committee is sent to the school board, which makes the final decision.

Tennessee

The Tennessee Textbook Commission consists of 10 members, three of whom are laypersons who are appointed by the governor to serve three-year terms. Six members constitute a quorum for conducting business. The commission has three meetings each year. In April, it meets to approve all forms and procedures for the year and to approve the invitation to publishers for bids. State laws require publishers to enter six-year contracts at fixed prices.

Publishers send each commission member one set of evaluation books between the April and July meetings, and representatives are permitted to make only social calls during this period. Each member of the commission "shall secure the assistance of certain individuals in reviewing the books." All bids and sample books must be received by the commission before the July meeting, at which time the publishers make formal presentations of their books and answer questions about their materials.

The textbook commission members complete their evaluations and meet in August to decide which books will be included in the official list. Because the maximum number of books that can be listed is unlimited, the approved list usually contains a large number of titles. The state approved list is distributed to school systems no later than early December. Publishers are required to send one to three sets of sample books to each school system. Local selection committees of three or five members review the sample books and recommend one basal and up to five supplementary books in each category for approval by the local board of education. After approval by the local board, each school system orders books from the depository for use the following fall.

Texas

The state board of education is to adopt a review and adoption cycle for each subject in the required curriculum. Subjects in the foundation curriculum (English language arts, mathematics, science, and social studies consisting of Texas, United States, and world history, government, and geography) will be reviewed at least every six years. Review of textbooks for enrichment subjects (languages, health, physical education, fine arts, economics, career and technology education, and technology applications) will take place on a cycle the board considers appropriate. Textbooks selected for use in the public schools shall be furnished without cost to the students attending those schools.

Two lists of textbooks will be adopted. The conforming list of textbooks that meet manufacturing standards and all essential elements. The nonconforming list will consist of textbooks that meet manufacturing standards and cover at least half of the essential elements. The state board of education may not reject a textbook because the price exceeds a price limit set by the board. School districts will select appropriate textbooks from the conforming or nonconforming lists for subjects in the foundation and enrichment curriculum. The state will be responsible for payment to a publisher not to exceed the cost limit established by the state board of education. School districts that order textbooks that exceed the price limit will be responsible for the remainder of the cost. In addition, districts may elect to use an off-list textbook for a subject in the enrichment curriculum. If a district selects an off-list textbook, the state will reimburse the district the lesser of 70% of the cost of the textbook times the number of textbooks needed or 70% of the price limit for the subject times the number of textbooks needed. The district is responsible for paying the publisher the balance of the cost of the off-list textbook. Textbooks that are purchased off-list by the state must be used for the same period as adopted textbooks.

Utah

Utah law provides that the state textbook commission consist of the state superintendent of public instruction, deans or their representatives from the state universities, five local educators, appointed by the state office of education, and five citizens

appointed by the governor. The commission adopts the textbooks to be used in Utah schools based on the evaluation of curriculum advisory committees, whose membership consists of professional educators.

The state office of education has a computerized network of various types of information. Included are evaluations of software for many subject areas, and also evaluations of all textbooks which have been submitted to the State Textbook Commission within the last four years.

At the local level, district committees select textbooks for mathematics, science and computer education.

Minority Representation. Selection criteria specify that textbooks must reflect the pluralistic, multiethnic nature of American society, both past and present, and promote a positive self image for members of all groups.

Citizen Review and Participation. The superintendent is required to publish in a general circulation newspaper dates of meeting of review of textbook proposals 60 days prior to the meeting.

Vermont

Local boards of education select all textbooks in Vermont.

Virginia

Evaluation of textbooks for adoption occurs between April 1 and October biennially. Evaluators include state committees or field personnel and supervisory personnel of the state department of education. Samples are reviewed by the members of the committees. In September, hearings are held with publisher presentations for the state committees. The evaluations of the committees are compiled and sent to the curriculum and instruction committee, which approves a tentative list of adoptions by mid-November. Final confirmation by the board of education follows in December. Local school board selections from the multiple list begin in December. A school board may use textbooks not on the approved list if these have been selected in accordance with the rules and regulation promulgated by the state board.

There is no state textbook adoption for computer education materials. For science and mathematics, textbooks are adopted on a six-year cycle. Textbook evaluators receive a two-day training workshop.

Citizen Review and Participation. Sample textbooks are on display in 10 depositories in colleges and universities and can be viewed and evaluated by citizens. Special evaluation forms are provided for this. Evaluation committees include parents and nonparents.

Washington

Washington state law requires that each local district select textbooks in accordance with the district's instruction material policy (RCW 28A.58.103). The law requires districts to establish an instruction materials committee that must include, but is not limited to, members of the district's professional staff, including representation from the district's curriculum development committee. The committees prepare and recommend teachers' reading lists and follow district procedures in selecting all instruction materials including textbooks.

Minority Representation. Equal treatment of the sexes and ethnic groups is a criterion on selection in accordance with WAC 392-190-055 (Textbooks and Instruction Materials -- Scope -- Elimination of Sex Bias). Multicultural curriculum guidelines are published by the state for local district use.

Citizen Review and Participation. Each school district must provide a system for receiving, considering and acting upon citizen complaints on materials. Parental involvement in all aspects of the schools and curriculum is encouraged.

West Virginia

In 1981, the West Virginia legislature enacted legislation requiring the adoption of basal textbooks for use in required courses, kindergarten through grade 12. County boards of education now must report textbook adoptions and classroom utilization of textbooks for each subject area required to be taught and certain high incidence electives.

At least five books for each subject are approved by December first by the state board, with the aid of the state textbook advisory committee of 30 educators. County boards of education , with the aid of no more than 15 teachers, select the textbooks by May 1 for local use.

Minority and Equal Opportunity Representation. State department guidelines mandate commitment to equal rights and the absence of racial and sexual stereotyping in all textbooks.

Citizen Review and Participation. Publishers place the adopted textbooks in three or more locations, as determined by the county board of education, in each county prior to the opening day of school.

Wisconsin

Wisconsin statutes do not mandate textbook selection. The responsibility for the selection and adoption of textbooks is with each local school district. Upon request, the department of public instruction provides technical assistance for the selection of textbooks to the local school districts.

At the local level, curriculum committees usually assist in the selection of textbooks.

Minority Representation. The department of public instruction provides recommended reading on racial minorities. Through Wisconsin Title IV, Civil Rights Act, national desegregation technical assistance is provided to local education agencies, and through a separate state-funded program the department also provides technical assistance to local education agencies for selection of materials on the American Indian, and an American Indian Language and Culture Advisory Board is mandated.

Wyoming

Local boards of education are responsible for textbook adoptions. Teachers and curriculum coordinators are usually involved in the selection of textbooks.

Minority Representation. The state department of education has a sex equity coordinator and an Indian Education Office that provide technical assistance upon request.

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